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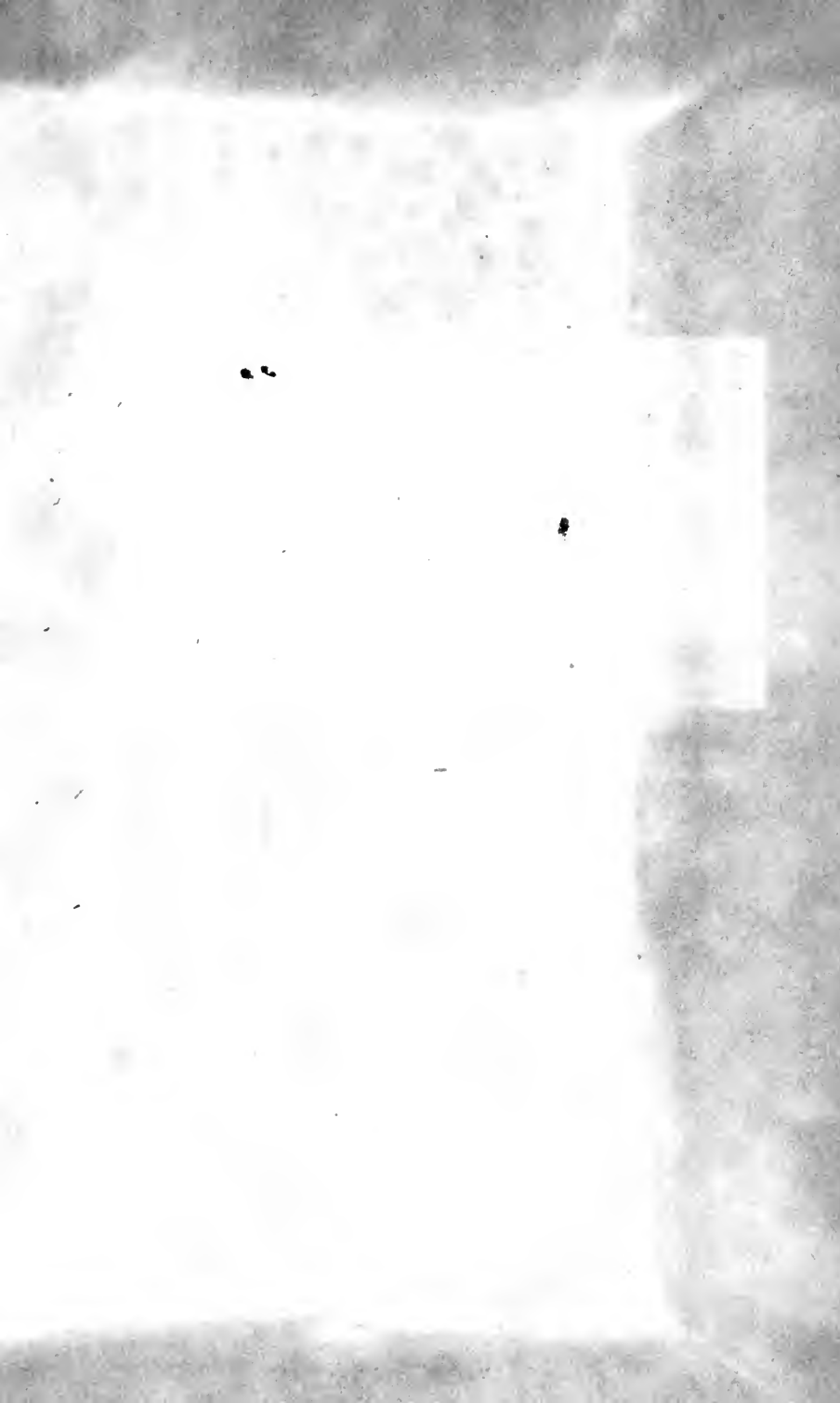
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# JOURNAL

OF THE

## CONSTITUTIONAL CONVENTION

OF THE

STATE OF IOWA,

IN SESSION AT IOWA CITY, FROM THE NINETEENTH DAY OF JANUARY, A. D., ONE  
THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN, TO THE FIFTH  
DAY OF MARCH OF THE SAME YEAR, INCLUSIVE.



MUSCATINE:  
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JOURNAL

OF THE

CONSTITUTIONAL CONVENTION

OF THE STATE OF IOWA.

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IOWA CITY, JANUARY 19, 1857.

Agreeably to an Act of the Legislature of the State of Iowa entitled, "An Act providing for the revision or amendment of the Constitution of this State," approved January 24th, 1855, the greater part of the members of the Convention elected for that purpose, met this day at the Capitol in Iowa City, in the Supreme Court Room.

At the hour of ten o'clock, A. M., the Convention was called to order by Mr. Gray of the County of Linn, who nominated for President *pro tempore*, JOHN A. PARVIN, Esq., member elect from the Nineteenth Senatorial District: which nomination was unanimously agreed to, and Mr. Parvin took his seat and returned thanks for the honor conferred upon him in an appropriate address.

Mr. Ells then nominated THOMAS J. SAUNDERS, of the County of Scott, for Secretary *pro tempore*: which nomination was agreed to, and the Secretary took his seat accordingly.

Mr. Traer nominated ELLSWORTH N. BATES, of the County of Linn, for Assistant Secretary *pro tempore*: which motion was agreed to.

Mr. Clarke, of Johnson, nominated SAMUEL C. TROWBRIDGE, of Johnson, for Sergeant-at-Arms *pro tempore*: which nomination was agreed to.

Mr. Wilson nominated FRANCIS THOMPSON for Door Keeper *pro tempore*: which nomination was agreed to.

Mr. Warren nominated J. H. MERRITT for Fireman *pro tempore*: which nomination was agreed to.

Mr. Todhunter nominated JAMES HAWKINS for Messenger *pro tempore*: which nomination was agreed to.

Mr. Clarke, of Johnson, nominated GEORGE CLEARMAN for Assistant Messenger, *pro tempore*: which nomination was agreed to.

Mr. Springer moved that Mr. Clarke, of Johnson, be appointed to wait upon and procure a clergyman to open the Convention with prayer: which motion was adopted, and after a short absence, Mr. Clarke introduced the Rev. Mr. Young, who made an appropriate and solemn appeal to the Throne of Grace.

The Secretary then proceeded to call the members elect from the several Senatorial Districts in their order, when the following gentlemen appeared and answered to their names, *viz*:

From the First Senatorial District—EDWARD JOHNSTON and WILLIAM PATTERSON;

From the Second Senatorial District—SQUIRE AYRES;

From the Third Senatorial District—TIMOTHY DAY;

From the Fourth Senatorial District—JONATHAN C. HALL and MOSES W. ROBINSON;

From the Fifth Senatorial District—DAVID P. PALMER;

From the Sixth Senatorial District—JAMES F. WILSON;

From the Seventh Senatorial District—RUFUS L. B. CLARKE;

From the Eighth Senatorial District—GEORGE GILLASPY;

From the Ninth Senatorial District—JOHN EDWARDS;

From the Tenth Senatorial District—AMOS HARRIS;

From the Eleventh Senatorial District—DANIEL H. SOLOMON;

From the Twelfth Senatorial District—DANIEL W. PRICE;

From the Thirteenth Senatorial District—FRANCIS SPRINGER;

From the Fifteenth Senatorial District—JEREMIAH HOLLINGSWORTH;

From the Sixteenth Senatorial District—JAMES A. YOUNG;

From the Seventeenth Senatorial District—HIRAM D. GIBSON;

From the Eighteenth Senatorial District—LEWIS TODHUNTER;

From the Nineteenth Senatorial District—JOHN A. PARVIN;

From the Twentieth Senatorial District—WILLIAM PENN CLARKE;

From the Twenty-first Senatorial District—GEORGE W. ELLS;

From the Twenty-second Senatorial District—ROBERT GOWER;

From the Twenty-fourth Senatorial District—HOSEA W. GRAY;

From the Twenty-fifth Senatorial District—JAMES C. TRAER;

From the Twenty-sixth Senatorial District—HARVEY J. SKIFF ;  
 From the Twenty-seventh Senatorial District—THOMAS SEELY ;  
 From the Twenty-eight Senatorial District—WILLIAM A. WARREN ;  
 From the Twenty-ninth Senatorial District—ALBERT H. MARVIN ;  
 From the Thirtieth Senatorial District—JOHN H. EMERSON ;  
 From the Thirty-second Senatorial District—ALPHEUS SCOTT ;  
 From the Thirty-third Senatorial District—SHELDON G. WINCHESTER ; and  
 From the Thirty-fourth Senatorial District—JOHN T. CLARK.

Whereupon it appeared that all the members elect were present, except those from the Fourteenth, Twenty-third and Thirty-first Senatorial Districts, respectively.

Mr. Clarke, of Henry, offered the following resolution :

“*Resolved*, That a committee of five be appointed to examine and report upon credentials and qualifications of members claiming seats in this Convention ;”

Which resolution was adopted and the Chair appointed Messrs. Clarke, of Henry, Hall, Todhunter, Palmer and Wilson, said Committee.

Mr. Clarke, of Johnson, moved that the Convention adjourn until tomorrow morning at ten o'clock A. M.

Mr. Johnston suggested that the motion be withdrawn temporarily until certain communications from the cities of Dubuque and Davenport had been presented and disposed of : which was agreed to by the mover.

The President then laid before the Convention the following correspondence and resolutions :

“SENATE CHAMBER, IOWA CITY, }  
 19th January, 1857. }

Sir,

Permit me to lay before your body the accompanying letter and resolutions of the Mayor and Common Council of the City of Dubuque, extending to the body over which you preside, an invitation to hold your session in that city, in the event of your determining to remove from this point.

I can give you good assurance that the members of the Convention will be cordially received and entertained by the citizens of Dubuque should you avail yourselves of the invitation they have tendered you.

Very respectfully,

Your Obedient Serv't,

W. W. HAMILTON.

Hon. President of the Convention.”

"MAYOR'S OFFICE, DUBUQUE, }  
January 10th, 1857. }

HON. W. W. HAMILTON, President of the Senate—

*Dear Sir:*

By the resolution which passed our City Council on the 5th instant, you will see that the members of the Constitutional Convention are invited to assemble here. I have been authorized to request you to inform the presiding officer of the Convention when it shall be organized, of our invitation and I know you will do so in terms that will assure them of a hearty old fashioned Dubuque welcome. Our people will throw open their houses and their hearts on such an occasion as this, thus giving the people from all parts of our State an opportunity of receiving and witnessing our hospitality. I append a copy of the resolution above referred to. Wishing you good health, and that your Legislative labors may result in our common benefit,

I remain very respectfully,

Your Obedient Servant,

DAVID S. WILSON.  
Mayor of the City of Dubuque.

"Alderman Nightingale offered the following resolution:

"WHEREAS, The Convention to amend the State Convention will assemble at Iowa City on the third Monday of the present month; *and whereas* it has been intimated that the accommodations at said city are not sufficient from the fact that the General Assembly are now and probably will be in session when said Convention assembles; *and whereas*, it is believed and reported that a desire exists on the part of some of the members of said Convention to remove the session of that very respectable body to some other point than Iowa City; *and whereas*, our city has been mentioned in that connection—

"*Resolved*, That this body speaking for and in behalf of the people of Dubuque, do cordially invite the members of the Convention to assemble here, and we authorize the Mayor to inform that body, through the Hon. W. W. Hamilton, President of the Senate, assuring them of a cordial reception on the part of our citizens, and that they will be comfortably and agreeably provided for and entertained during their sojourn among us.

"Which was adopted."

“HOUSE OF REPRESENTATIVES, }  
IOWA CITY, January 19th, 1857. }

*To the Honorable the Constitutional Convention of the State of Iowa :*

*Gentlemen* :—On the 14th instant I was directed by the Honorable the City Council of the City of Davenport to tender to your honorable body the hospitalities of said city for and during the entire session of your Convention in case you shall think proper to adjourn from this to that city. A copy of the resolutions adopted is herewith submitted, and in obedience to the request contained therein, I tender to your honorable body the hospitalities of said City of Davenport.

I am with great respect,

Your Obedient Servant,

H. G. BARNER.

“CITY OF DAVENPORT, COUNTY OF SCOTT, }  
State of Iowa. }

At a special meeting of the City Council of the City of Davenport held on the 14th day of January, A. D., 1857, among other proceedings the following were had—

Alderman Price offered the following resolutions :

*Resolved*, That the Mayor is hereby authorized and requested to tender the hospitalities of the City of Davenport to the Constitutional Convention which is to assemble at Iowa City on the third Monday of January, A. D., 1857, provided said Convention shall think proper to adjourn from that to this city during the session of said Convention.

*Resolved*, That in the event of said adjournment the Mayor is also authorized and requested to furnish a suitable room in which to hold said Convention.

*Resolved*, That the Mayor is hereby requested to make known to the members of said Convention when assembled at Iowa City the foregoing action of the City Council through H. G. Barner, Esq., our representative from this city.

Which were adopted.

SAMUEL SADDORIS,  
Chairman *pro tem*.

Attest :

WM. HALL, *Clerk*.”

After the reading of the foregoing had been concluded,

Mr. Ells moved that the correspondence and resolutions be laid upon the table until a permanent organization of the Convention should be effected.

Mr Harris moved as a substitute that they should be referred to a committee of three members of the Convention ;

Mr Gower moved to amend the substitute by inserting five instead of three as the number of members for the committee ;

Which amendment was accepted by the mover, and the substitute of Mr Harris was adopted, and the Chair appointed the following gentlemen said committee, *viz* : Messrs Ells, Springer, Emerson, Clarke of Johnson, and Edwards.

Mr Clarke, of Johnson, then renewed his motion, and the Convention adjourned until to-morrow morning at ten o'clock, A. M.

## TUESDAY MORNING, JANUARY 20, 1857.

At ten o'clock, A. M., the President *pro tempore* took the Chair and called the Convention to order.

Prayer was offered by the Rev. Mr Kynett.

The Journal of yesterday's proceedings was read by the Secretary and approved.

Mr Clarke, of Henry, from the Committee on Credentials made the following

### REPORT.

The Committee on Credentials and qualifications of members report the following persons as duly qualified and entitled to seats as members of the Constitutional Convention for the State of Iowa, assembled January 19th, 1857—

EDWARD JOHNSTON	I	Senatorial District.	
WILLIAM PATTERSON	I	"	"
SQUIRE AYERS	II	"	"
TIMOTHY DAY	III	"	"
JOHNATHAN C. HALL	IV	"	"
MOSES W. ROBINSON	IV	"	"
DAVID P. PALMER	V	"	"
JAMES F. WILSON	VI	"	"

RUFUS L. B. CLARKE	VII	Senatorial District.
GEORGE GILLASPY	VIII	“ “
JOHN EDWARDS	IX	“ “
AMOS HARRIS	X	“ “
DANIEL H. SOLOMON	XI	“ “
DANIEL W. PRICE	XII	“ “
FRANCIS SPRINGER	XIII	“ “
DAVID BUNKER	XIV	“ “
JEREMIAH HOLLINGSWORTH	XV	“ “
JAMES A. YOUNG	XVI	“ “
HIRAM D. GIBSON	XVII	“ “
LEWIS TODD HUNTER	XVIII	“ “
JOHN A. PARVIN	XIX	“ “
WILLIAM PENN CLARKE	XX	“ “
GEORGE W. ELLS	XXI	“ “
ROBERT GOWER	XXII	“ “
AYLETT R. COTTON	XXIII	“ “
HOSEA W. GRAY	XXIV	“ “
JAMES C. TRAER	XXV	“ “
HARVEY J. SKIEFF	XXVI	“ “
THOMAS SEELY	XXVII	“ “
WILLIAM A. WARREN	XXVIII	“ “
ALBERT H. MARVIN	XXIX	“ “
JOHN H. EMERSON	XXX	“ “
ALPHEUS SCOTT	XXXII	“ “
SHELDON G. WINCHESTER	XXXIII	“ “
JOHN T. CLARK	XXXIV	“ “

And that no person has produced credentials from the XXXI Senatorial District.

R. L. B. CLARKE,  
*Chairman.*

Mr. Clarke, of Johnson, moved that the report of the Committee on Credentials be adopted: which motion was agreed to.

Mr. Winchester offered the following resolution :

*Resolved*, That until otherwise ordered the officers of this Convention shall consist of a President, a Secretary, an Assistant Secretary, Sergeant-at-Arms, a Door Keeper, a Fireman and First and Second Messengers ;

Which resolution was adopted.

Mr. Clarke, of Johnson, moved the following resolution :

*Resolved*, That the Convention do now proceed to the election of a permanent President and other officers, *viva voce* ;

Which resolution was agreed to.

Mr. Clarke, of Johnson, nominated for President, FRANCIS SPRINGER, Esq., from the Thirteenth Senatorial District;

Mr. Johnston nominated JONATHAN C. HALL, Esq., from the Fourth Senatorial District;

The Convention being called by the Secretary the following gentlemen voted for Mr. Springer, *viz*:

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Parvin,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,—20.

And the following gentlemen for Mr Hall, *viz*:

Messrs. Ayers,  
Cotton,  
Day,  
Emerson,  
Gibson,  
Gillaspy,

Messrs. Harris,  
Johnston,  
Palmer,  
Patterson,  
Price,  
Robinson,

Solomon—13.

Mr. Springer voted for Mr. Parvin and Mr. Hall for Mr. Gillaspv.

Whereupon, Mr. Springer was declared duly elected President of the Convention and was conducted to the Chair by Messrs. Todhunter and Gibson.

The President, upon taking his seat, addressed the Convention as follows:

“I return you, gentlemen, the homage of my thanks for the honor of being chosen to preside over the deliberations of this Convention. In signifying to you my appreciation of this distinguished testimonial of your confidence and regard, I must confess that I feel embarrassed by a sense of my inability to bring to the chair the experience and acquaintance with parliamentary practice, the possession of which would be considered necessary to justify your choice. Under these circumstances I shall have to throw myself upon your kindness, and to bespeak your forbearance and friendly co-operation in my endeavors to discharge acceptably the various and sometimes difficult duties of a presiding officer

—praying you to be assured of the disposition I cherish to serve you faithfully and impartially, and of my hearty readiness to contribute my mite towards a satisfactory performance of the important work which we have been sent here to accomplish.

“With us ‘the sovereignty of the people is a conceded axiom.’ We are the representatives of that sovereignty, charged with the duty and clothed with the power of revising their organic law. I am sure I need not remind the intelligent members of this Convention of the high responsibility of this trust. The Constitution of a State is designed to be to a certain extent a fixed and permanent instrument—a higher law for the guidance, not only of individual members of the body politic—but also a law to which the various departments of the government must in their action conform. It is the foundation upon which the superstructure of the legislation and jurisprudence of the State rests. Upon its character the prosperity and happiness of the social compact may be said much to depend. It is looked upon as embodying the spirit and policy of a people. It is, in a word, ‘positive law.’

“That this great trust will be performed by the members of this Convention wisely, and well, I entertain no doubt—meeting the just expectations of an enlightened constituency, and imparting fresh vigor to the advancing steps of our noble young State in her career to the high destiny which lies before her.”

Mr. Ells nominated for Secretary, THOMAS J. SAUNDERS, of the County of Scott;

Mr. Gillaspv nominated PHILIP B. BRADLEY, of the County of Jackson;

The Convention being called the following gentlemen voted for Mr. Saunders, *viz* :

Messrs. Bunker,	Messrs. Parvin,
Clarke, of Henry,	Scott,
Clarke, of Johnson,	Seely,
Clark, of Alamakee,	Skiff,
Edwards,	Young,
Ells,	Todhunter,
Gower,	Traer,
Gray,	Warren,
Hollingsworth,	Wilson,
Marvin,	Winchester,
Springer, (Prest.)—21.	

And the following gentlemen for Mr. Bradley, *viz* :

Messrs. Ayers,	Messrs. Hall,
Cotton,	Johnston,

Messrs. Day,  
Emerson,  
Gibson,  
Gillaspy,  
Harris,

Messrs. Palmer,  
Patterson,  
Price,  
Robinson,  
Solomon—14.

Whereupon, Mr. Saunders was declared duly elected Secretary of the Convention.

Mr. Gray nominated for Assistant Secretary, ELLSWORTH N. BATES, of the County of Linn;

Mr. Palmer nominated H. BURNS, of the County of Johnson;

Upon a call of the Convention the following gentlemen voted for Mr. BATES, *viz*:

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,

Messrs.. Parvin,  
Scott,  
Seely,  
Skiff,  
Young,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,

Springer, (Prest.,)—21.

And the following gentlemen for Mr. Burns, *viz*:

Messrs. Ayers,  
Cotton,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,

Messrs. Harris,  
Johnston,  
Palmer,  
Patterson,  
Price,  
Robinson,  
Solomon—14.

Whereupon, Mr. Bates was declared duly elected Assistant Secretary of the Convention.

Mr. Gower nominated for Sergeant-at-Arms, SAMUEL C. TROWBRIDGE, of the County of Johnson;

Mr. Gillaspay nominated D. F. GALORD, of the County of Wapello;

Upon a call of the Convention the following gentlemen voted for Mr. Trowbridge, *viz*:

Messrs. Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Clark, of Alamahee,  
 Edwards,  
 Ells,  
 Gower,  
 Gray,  
 Hollingsworth,  
 Marvin,  
 Springer, (Prest.,)—21.

Messrs. Parvin,  
 Scott,  
 Seely,  
 Skiff,  
 Young,  
 Todhunter,  
 Traer,  
 Warren,  
 Wilson,  
 Winchester,

And the following gentlemen for Mr. Galord, *viz*:

Messrs. Ayers,  
 Cotton,  
 Day,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Hall,

Messrs. Harris,  
 Johnston,  
 Palmer,  
 Patterson,  
 Price,  
 Robinson,  
 Solomon—14.

Whereupon, Mr. Trowbridge was declared duly elected Sergeant-at-Arms of the Convention.

Mr. Todhunter nominated for Door Keeper, FRANCIS THOMPSON;  
 Mr. Ayers nominated J. PAGE;

The Convention being called, the following gentlemen voted for Mr. Thompson, *viz*:

Messrs. Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Clark, of Alamahee,  
 Edwards,  
 Ells,  
 Gower,  
 Gray,  
 Hollingsworth,  
 Marvin,  
 Springer, (Prest.,)—21.

Messrs. Parvin,  
 Scott,  
 Seely,  
 Skiff,  
 Young,  
 Todhunter,  
 Traer,  
 Warren,  
 Wilson,  
 Winchester,

And the following gentlemen for Mr. Page, *viz*:

Messrs. Ayres,  
 Cotton,  
 Day,

Messrs. Harris,  
 Johnston,  
 Palmer,

Messrs. Emerson,  
Gibson,  
Gillaspy,  
Hall,

Messrs. Patterson,  
Price,  
Robinson,  
Solomon—14.

Whereupon, Mr. Thompson was declared duly elected Door Keeper of the Convention.

Mr. Wilson nominated J. H. MERRITT, for Fireman ;

No other nomination being made Mr. Merritt was unanimously elected.

Mr. Winchester nominated JAMES HAWKINS for First Messenger ;

Mr. Hall nominated WILLIS CONARD ;

Upon these nominations the Convention voted as follows, *viz* :

For James Hawkins—

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Parvin,  
Scott,  
Seely,  
Skiff,  
Young,  
Todhunter,  
Traer,  
Wilson,  
Winchester,  
Springer, (Prest.)—20.

For Willis Conard—

Messrs. Ayers,  
Cotton,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,

Messrs. Harris,  
Johnston,  
Palmer,  
Patterson,  
Price,  
Robinson,  
Solomon—14.

Whereupon, James Hawkins was declared duly elected First Messenger of the Convention.

Mr. Seely nominated for Second Messenger, GEORGE CLEARMAN ;

Mr. Hall nominated WILLIS CONARD ;

Upon these nominations the Convention voted as follows, *viz* :

For George Clearman—

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Parvin,  
Scott,  
Seely,  
Scott,  
Young,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,

Springer, (Prest.,)—21.

For Willis Conard—

Messrs. Ayers,  
Cotton,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,

Messrs. Harris,  
Johnston,  
Palmer,  
Patterson,  
Price,  
Robinson,  
Solomon—14.

Whereupon, George Clearman was declared duly elected Second Messenger of the Convention.

Mr. Todhunter offered the following resolution :

*Resolved*, That the members elect of this Convention be and they are hereby required severally to take an oath to support the Constitution of the United States and to faithfully discharge their duties as delegates to this Convention.

Mr. Skiff moved as a substitute for said resolution the following :

*Resolved*, That the members of this Convention be and are hereby requested severally to take an oath to support the Constitution of the United States and the Constitution of the State of Iowa and to faithfully discharge the duties of delegates to this Convention.

Mr. Traer moved that the substitute be laid on the table : which motion was agreed to.

Mr. Clarke, of Henry, moved that the original resolution be laid on table : which motion was not agreed to.

The resolution offered by Mr. Todhunter was then adopted.

Mr. Clarke, of Johnson, moved that the Sergeant-at-Arms be dispatched for an officer to administer the oath to the members of the Convention : which motion was agreed to.

Mr. Gray offered the following resolution :

*Resolved*, That the rules governing the present House of Representatives of this State be adopted temporarily so far as applicable for the government of this Convention until otherwise ordered.

Mr. Wilson moved to amend the resolution by striking out the words "present House of Representatives of this State" and inserting the words "Constitutional Convention of 1846 with the exception of Rule 10 :"

Which amendment was agreed to and the resolution as amended was adopted.

Mr. Edwards offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be instructed to procure of the Secretary of State for the use of each member of this Convention a copy of the Code of Iowa and the Acts of the Session of the Legislature of 1855-6 ;

Which resolution was adopted.

Mr. Todhunter offered the following resolution :

*Resolved*, That a committee of eight members be appointed of equal number from each Congressional District, whose duty it shall be to report a method for conducting the business and deliberations of the Convention and to designate the necessary Standing Committees.

Mr. Hall moved that the resolution be laid on the table : which motion was agreed to.

Mr. Wilson offered the following :

*Resolved*, That fifteen committees be appointed by the President to which shall be referred so much of the Constitution and other matters as relate to the specific subjects hereinafter designated as appropriate to each Committee—

1. A committee on the Legislative Department, to consist of five members.

2. A committee on the Executive Department, to consist of three members.

3. A committee on the Judicial Department, to consist of five members.

4. A committee on the Apportionment of Representation, to consist of seven members.

5. A committee on the Elective Franchise, to consist of three members.

6. A committee on Corporations, other than corporations for banking, to consist of three members.

7. A committee on Banking and Currency, to consist of five members.

8. A committee on Public Debt, to consist of three members.
9. A committee on Education and School Lands, to consist of three members.
10. A committee on Militia to consist of three members.
11. A committee on Finance and Taxation, to consist of five members.
12. A committee on the Public Institutions of the State, to consist three members.
13. A committee on the Preamble and Bill of Rights, to consist of five members.
14. A committee on Future Amendments of the Constitution, to consist of three members.
15. A committee on such miscellaneous subjects and propositions as are not referred to in the foregoing fourteen committees, to consist of five members.

Mr. Johnston moved that the resolution be laid on the table subject to the order of the Convention ;

Which motion was agreed to.

Mr. Clarke, of Johnson, presented the following resolution :

*Resolved*, That a committee of five be appointed to draft rules for the government of this Convention ;

Which resolution was adopted and the Chair appointed the following gentlemen, *viz*: Messrs. Clarke, of Johnson, Johnston, Edwards, Hall and Bunker.

Mr. Palmer offered the following :

*Resolved*, That the Secretary of this Convention be instructed to procure for each delegate twenty-five daily newspapers, or their equivalent in other newspapers, at the option of the delegate ;

Mr. Johnston moved that the resolution be laid upon the table subject to the order of the Convention ; which motion was agreed to.

Mr. Clarke, of Johnson, offered the following :

*Resolved*, That John Teesdale be employed to print one hundred copies of the present Constitution of this State, for the use of the members of this Convention ; also, two hundred copies of the act of the Legislature authorizing the calling of the Convention.

Mr. Hall moved that the resolution be laid upon the table subject to the order of the Convention ;

Which motion was agreed to.

Mr. Clarke, of Henry, offered the following resolution :

*Resolved*, That this Convention will employ a Reporter, to report the Debates and Proceedings of this Convention, and that a committee of

three be appointed by the President to ascertain and report the name of a competent and suitable person to be thus employed : and also report a plan for the publication of the Debates and proceedings :

Which resolution was adopted, and the Chair appointed Messrs. Clarke, of Henry, Hall and Clarke of Johnson said committee.

Mr. Ells, from the committee to whom was referred the communications respecting the invitations from the cities of Dubuque and Davenport, reported verbally, that the committee had not been able to agree, and requested of the Convention further time for consideration.

Mr. Warren moved that the committee be instructed to report at the afternoon session ;

Which motion was agreed to.

The President laid before the Convention the following communication :

*To the President of the Constitutional Convention of Iowa :*

HONORED SIR :

I herewith present to the members of the Convention copies of a Journal of Debates containing the terms upon which a similar publication of the doings and debates of the body over which you preside may be published so as to be subject only to newspaper postage, should it be the pleasure of the Convention.

Yours, respectfully,

S. STORRS HOWE.

IOWA CITY, January 20th, 1857.

Mr. Clarke, of Henry, from the committee on Reports made the following

#### REPORT.

The committee appointed to ascertain and report the name of a suitable and competent person to be employed as Reporter for this Convention, report the name of W. Blair Lord, of Baltimore, now present.

R. L. B. CLARKE.

Chairman.

On motion the report was adopted.

On motion of Mr. Warren the Convention then adjourned till two o'clock this afternoon.

## TUESDAY AFTERNOON.

At two o'clock P. M. the Convention again assembled, pursuant to adjournment.

Judge T. H. Lee appeared before the Convention, and administered to the members, respectively, the oath or affirmation, in accordance with the resolution adopted this morning.

Mr. Ells, from the committee to whom was referred the communications respecting the invitations from the cities of Dubuque and Davenport, made the following

## REPORT.

The committee to whom was referred the invitations of the city authorities of Davenport and Dubuque to hold the sittings of this Convention in their respective cities and partake of the hospitalities of their citizens, have had said matter under consideration and the majority of the committee have instructed me to offer for adoption the following resolution :

*Resolved*, That while we duly appreciate the patriotic motives of the city authorities of Davenport and Dubuque in thus tendering the hospitalities of their respective cities, we deem it inexpedient to accept of either of those invitations at this time.

GEO. W. ELLS,  
Chairman.

Mr. Clark, of Alamakee, moved that the report be accepted and the committee discharged ;

Which motion was agreed to.

Mr. Ells moved to amend the proposed resolution of the committee by striking out the word "inexpedient" and inserting the word "expedient;" also, by striking out the words "of either" and inserting the word "one," making the resolution to read as follows :

*Resolved*, That while we duly appreciate the patriotic motives of the city authorities of Davenport and Dubuque in thus tendering the hospitalities of their respective cities, we deem it expedient to accept one of those invitations at this time.

Mr. Parvin moved to lay the amendment on the table ;

Which motion was not agreed to.

Upon the question of agreeing to the amendment, the yeas and nays were demanded and it was decided in the affirmative as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Colton,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,

Messrs. Johnston,  
Patterson,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Hollingsworth—22

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Gower,  
Gray,  
Harris,  
Wilson,

Messrs. Marvin,  
Palmer,  
Parvin,  
Young,  
Traer,  
Winchester,

Springer, (Prest.)—13.

Mr. Emerson moved to further amend the resolution, by designating Dubuque as the city whose invitation shall be accepted.

It was moved that the amendment be laid upon the table ;  
Which motion was agreed to.

The question now being upon the adoption of the resolution as amended, the yeas and nays were demanded, and it was decided in the affirmative as follows :

## YEAS.

Messrs. Clarke, of Henry,  
Colton,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Hollingsworth,

Messrs. Johnston,  
Patterson,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Warren—20.

## NAYS.

Messrs. Ayers,	Messrs. Marvin,
Bunker,	Palmer,
Clarke, of Johnson,	Parvin,
Clark, of Alamahee,	Young,
Gower,	Traer,
Gray,	Wilson,
Harris,	Winchester,
Springer, (Prest.)—15.	

Mr. Parvin moved that a committee of two be appointed to proceed to the cities of Dubuque and Davenport to ascertain and report upon the accommodations which can be afforded by them respectively.

Mr. Clarke, of Henry, moved as a substitute, that the invitation of the city of Davenport be accepted.

Mr. Emerson moved to amend the substitute by inserting Dubuque instead of Davenport.

Mr. Edwards then moved to lay the whole subject upon the table until ten o'clock to-morrow morning ;

Which motion was agreed to.

Mr. Patterson offered the following :

*Resolved*, That A. T. Walling be admitted to the Hall of the Convention as reporter for the Keokuk Times and J. B. Howell as reporter for the Gate City ;

Which resolution was adopted.

Mr. Clarke, of Johnson, moved that S. S. Howe be admitted to the Hall of the Convention as reporter for the Iowa City Republican ;

Which motion was agreed to.

Mr. Wilson moved to take up the resolution offered by him this morning relative to the appointment of committees, said resolution having been laid upon the table subject to the order of the Convention ;

Which motion was agreed to, and the resolution was read by the Secretary.

Mr. Traer moved to strike out all after the word '*Resolved*' and insert as follows :

"That the following list of Standing Committees be appointed by the President—

1. A committee of five members upon the Preamble and Bill of Rights ;

2. A committee of three upon the Right of Suffrage and Distribution of Powers;
3. A committee of seven upon the Legislative Department;
4. A committee of three upon the Executive Department;
5. A committee of five upon the Judicial Department ;
6. A committee of three upon the Militia and Military Affairs ;
7. A committee of five upon State Debts ;
8. A committee of five upon Incorporations and Banking ;
9. A committee of five upon Education and School Lands ;
10. A committee of three upon Amendments to the Constitution ;
11. A committee of three upon Miscellaneous Subjects.

Mr. Clarke, of Henry, offered the following as a substitute:

*Resolved*, That a committee of five be appointed by the Chair to report the number and character of the Standing Committees for this Convention ;

Which was adopted, and the Chair appoint Messrs. Clarke, of Henry, Johnston, Parvin, Traer and Wilson said committee.

Mr. Clarke, of Johnson, moved to take up the resolution offered by him this morning respecting the printing of the Constitution of Iowa and the Act authorizing the calling of the Convention, said resolution having been laid upon the table subject to the order of the Convention :

Which motion was agreed to, and the resolution was then adopted.

Mr. Todhunter offered the following :

*Resolved*, That the Reporter of this Convention be furnished with stationary and documents such as is furnished to members of this body ;

Which was adopted.

Mr. Edwards moved to reconsider the vote by which the whole subject respecting the invitations of the cities of Davenport and Dubuque was laid upon the table until to-morrow morning :

Which motion was not agreed to.

Mr. Clarke, of Johnson, offered the following resolution :

*Resolved*, That the Secretary of State be authorized to purchase for the use of the members of this Convention, thirty-seven copies of the Constitution of the several States and Union published by Barnes :

Which resolution was adopted.

On motion of Mr. Edwards,

The Convention then adjourned until to-morrow morning at ten o'clock.

## WEDNESDAY MORNING, JANUARY 21, 1857.

At ten o'clock A. M. the Convention came to order, the President in the Chair.

Prayer was offered by Rev. Mr. Kynett.

The Journal of yesterday's proceedings was read by the Secretary and approved.

Mr. Hall presented the credentials of John H. Peters, member elect from the Thirty-first Senatorial District :

Which were received, and Mr. Peters, after having had the oath administered to him by the President, took his seat in the Convention.

Mr. Clarke, of Johnson, from the committee on rules for the government of the Convention, made the following

## REPORT.

The committee on Rules recommend the adoption of the following rules for the government of the Convention :

## RULES OF THE CONVENTION.

1. The President shall take the chair every day precisely at the hour to which the Convention shall have adjourned on the preceding day ; shall immediately call the Convention to order, and on the appearance of a quorum shall cause the journal to be read.

2. He shall preserve order and decorum, and may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Convention by any two members.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, "as many as are of opinion that, (as the case may be,) say "aye," and after the affirmative voice is expressed, "as many as are of the contrary opinion, say no." If the President doubt, or a division be called for, the Convention shall divide ; those in the affirmative of the question shall first rise from their seats, afterwards those in the negative.

5. The President shall examine and correct the journal before it is read. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6. All committees shall be appointed by the President, unless otherwise specially ordered by the Convention, in which case they shall be elected *viva voce*.

7. The first named member of any committee shall be its chairman, and in his absence, or being excused by the Convention, the next named member, and so on, unless the committee, by a majority of their number, elect a chairman.

8. All addresses and motions shall be made to the President; the member rising from his seat for that purpose, and shall confine himself to the question under debate, and avoid personality.

9. On any question the yeas and nays shall be taken if requested by two members

10. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.

11. A motion to adjourn, and a motion to fix a day on which the Convention shall adjourn, shall always be in order. The motion to adjourn and the motion to lie on the table shall be decided without debate.

12. The previous question shall be put in this form,—“shall the main question now be put?” It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the Convention to a direct vote upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question; on a motion for the previous question, and prior to demanding the same, a call of the Convention shall be in order, but after a majority shall have demanded such motion, no call shall be in order prior to the decision of the main question.

13. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided by the President without debate, but subject to an appeal.

14. When a motion has been made and carried in the affirmative or negative, it shall be in order for any member voting with the majority

to move for a reconsideration thereof, on the same or succeeding day of the sitting of the Convention, and such motion shall take precedence of all other motions, except the motion to adjourn.

15. The rules of parliamentary practice comprised in Jefferson's Manual, shall govern the Convention in all cases in which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Convention.

W. PENN CLARKE,  
Chairman.

The report of the committee was accepted, and

On motion of Mr. Johnston, it was laid upon the table for the present.

Mr. Clarke, of Henry, from the Committee on Standing Committees, made the following

### REPORT.

The Committee on Standing Committees for the Convention, report  
That there be twelve committees of five each, to be appointed by the President, *viz* :

- 1st. On Preamble and Bill of Rights.
- 2nd. On Right of Suffrage ;
- 3d. On Distribution of Powers and Legislative Department ;
- 4th. On Executive Department ;
- 5th. On Judicial Department ;
- 6th. On Militia ;
- 7th. On State Debts ;
- 8th. On Incorporations ;
- 9th. On Education and School Lands ;
- 10th. On Amendments to the Constitution ;
- 11th. On Miscellaneous Matter ;
- 12th. On Schedule ;

Intending hereby to provide a Standing Committee for each separate article of the Constitution, to which appropriate Committee the same shall be referred, together with such other matters as shall relate to the same.

R. L. B. CLARKE,  
Chairman.

Which report was adopted.

The President then appointed the Standing Committees as follows :

On Preamble and Bill of Rights—Messrs. Ells, Day, Winchester, Cotton and Clark of Alamakee.

On Right of Suffrage—Messrs. Edwards, Patterson, Gower, Harris and Hollingsworth.

On Distribution of Powers and Legislative Department—Messrs. Parvin, Johnston, Traer, Emerson and Seely.

On Executive Department—Messrs. Todhunter, Ayers, Marvin, Price and Gray.

On Judicial Department—Messrs. Clarke, of Johnson, Solomon, Wilson, Hall and Clarke, of Henry.

On Militia—Messrs. Skiff, Gillaspay, Hollingsworth, Hall and Patterson.

On State Debts—Messrs. Wilson, Gibson, Warren, Ayers and Scott.

On Incorporations—Messrs. Clarke, of Henry, Skiff, Johnston, Parvin and Emerson.

On Education and School Lands—Messrs. Marvin, Hall, Edwards, Ells and Harris.

On Amendments to the Constitution—Messrs. Warren, Clark, of Alamakee, Bunker, Day and Gibson.

On Miscellaneous Matter—Messrs. Bunker, Palmer, Clarke, of Johnson, Traer and Robinson.

On Schedule—Messrs. Young, Gillaspay, Todhunter, Gray and Cotton.

Mr. Todhunter offered the following resolution :

*Resolved*, That the Secretary of this Convention make an arrangement with the Post Master, for the payment of postage of the members and officers of this Convention, in the same manner as has been heretofore made with the General Assembly of this State ;

Which resolution was adopted.

Mr. Skiff moved to take up the subject which was laid on the table until this morning, relative to the invitations of the cities of Dubuque and Davenport :

Which was agreed to.

Mr. Skiff moved to reconsider the vote, by which the resolution as reported by the Committee and subsequently amended, was adopted.

Mr. Winchester moved that the whole subject be indefinitely postponed.

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Gibson,  
Gower,  
Gray,  
Harris,  
Hollingsworth,

Messrs. Marvin,  
Palmer,  
Parvin,  
Skiff,  
Todhunter,  
Traer,  
Wilson,  
Winchester,  
Young,  
Springer, (P.) 20.

## NAYS.

Messrs. Clarke, of Henry,  
Cotton,  
Day,  
Ells,  
Emerson,  
Gillaspy,  
Hall,  
Johnston,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Warren,—16.

Mr. Clarke, of Johnson, moved that a committee of two be appointed to examine the Halls which have been offered for the use of this Convention, and report at a future sitting ;

Which motion was agreed to, and the Chair appointed Messrs. Todhunter and Harris said Committee.

Mr. Patterson offered the following resolution :

*Resolved.* That the President of this Convention be and is hereby authorized and requested to invite a minister to open this Convention each morning with prayer ;

Which resolution was adopted.

Mr. Palmer moved to take up the resolution which was laid on the table yesterday, relative to procuring newspapers for the members of the Convention ;

Which motion was agreed to.

Said resolution having been read, as follows :

*Resolved* that the Secretary of this Convention be instructed to procure for each delegate twenty-five daily newspapers, or their equivalent in other newspapers, at the option of the delegates.

Mr. Edwards moved to amend the resolution by striking out "twenty-five copies" and inserting "five copies each of the Iowa City Daily Republican and Capital Reporter:"

Which motion was not agreed to.

Mr. Clark, of Alamahee, moved to amend the resolution by inserting "ten" instead of "twenty-five ;"

Which motion was agreed to,

And the resolution, as amended, was adopted.

Mr. Emerson offered the following resolution :

*Resolved*, That H. D. La Cossitt be admitted to a seat on this floor as reporter for the North West, published at Dubuque :

Which was adopted.

Mr. Wilson moved to take up the report of the Committee on Rules, which was laid on the table this morning :

Which motion was agreed to.

Mr. Clarke, of Johnson, then moved to amend said report, by incorporating in it the arrangement of the Standing Committees, as agreed upon this morning :

Which motion was agreed to,

And the report, as amended, was adopted.

Mr. Clarke, of Johnson, offered the following resolution :

*Resolved*, That John Teesdale be employed to print two hundred copies of the Rules and Standing Committees of this Convention :

Which resolution was adopted.

Mr. Wilson offered the following resolution :

*Resolved*, That there be appended to the printed rules of this Convention, a list of the names of members and officers, together with the age, occupation, nativity and post-office address of the respective members and officers :

Which resolution was adopted.

Mr. Warren offered the following :

*Resolved*, That P. Moriarty be admitted to a seat on this floor as reporter for the Maquoketa Excelsior :

Which resolution was adopted.

Mr. Clarke, of Johnson, moved that the various subjects embraced by the Constitution of this State, be referred appropriately to the respective Standing Committees :

Which motion was agreed to.

Mr. Wilson offered the following, and moved its reference to the committee on the Legislative Department :

*Resolved*, That it is expedient to amend the Sixteenth Section of Article III of the present Constitution, relating to the Legislative Department by inserting between the words "other" and "and" in the fourth line of said section the following words : "and on the final passage of all bills, the vote shall be by ayes and noes, and shall be entered on the Journal ; and no bill shall become a law without a concurrence of a majority of all the members elect in each house."

Which was agreed to, and the resolution was so referred.

Mr. Clark, of Alamakee, offered the following resolution :

*Resolved*, That the proprietor of any newspaper in this State be entitled to have a reporter in this Hall, without a special vote for that purpose :

Which was adopted.

Mr. Gillaspy offered the following resolution :

*Resolved*, That the Convention do meet in this Hall until otherwise ordered.

Mr. Wilson moved that the resolution be laid on the table ;

Which motion was not agreed to.

The resolution was then adopted.

On motion of Mr. Johnston,

The Convention then adjourned until ten o'clock to-morrow morning .

## THURSDAY MORNING, JANUARY 22, 1857.

At ten o'clock, A. M., the President took the Chair and called the Convention to order.

Prayer was offered by the Rev. Mr Kynett.

The Journal of yesterday's proceedings was read by the Secretary and approved.

The President laid before the Convention the following correspondence :

"IOWA CITY, IOWA,  
January 21, 1857.

*Dear Sir :*

Being authorized by a resolution of the Constitutional Convention over which I have the honor to preside, to "invite a minister to open the Convention each morning with prayer," I take pleasure in inviting you to act in the capacity of chaplain of this body.

Very respectfully,

Your Ob't Serv't.,

FRANCIS SPRINGER.

REV. MR. KYNETT, Iowa City, Iowa."

IOWA CITY, IOWA,  
January 21, 1857.

HON. FRANCIS SPRINGER,

*President of the Constitutional Convention :—*

DEAR SIR :

Your note inviting me to act as chaplain of the body over which you preside, is received. Grateful for the confidence reposed in me, I shall take pleasure in serving you to the best of my ability.

Very respectfully,

Your most Ob't Serv't.,

ALPHA J. KYNETT.

The President laid before the Convention the petition of George Freeley and eighty-three others, praying that the basis of the Illinois Banking Law, and a certain form of township organization therein specified, be incorporated in the Constitution ;

Which was read, and

On motion of Mr. Wilson, was referred to the Committee on Corporations.

Mr. Clarke, of Johnson, offered the following:

*Resolved*, That John Teesdale be employed to do the incidental printing of the Convention, at the prices now paid the State Printer for similar kinds of work;

Which resolution was adopted.

Mr. Clarke, of Johnson, offered the following resolution:

*Resolved*, That John Quaintance be appointed Assistant Fireman of this Convention, whose duty it shall be to attend to the committee rooms;

Which was adopted.

The committee appointed to examine the Halls which have been offered for the use of the Convention made the following

### REPORT.

The committee appointed to examine the Halls tendered by the city authorities of Iowa City for the use of this Convention, have attended to that duty, and beg leave to report that in the opinion of your committee it is inexpedient to remove to either of said Halls.

A. HARRIS,  
LEWIS TODHUNTER. } Com.

Which report was received and the committee discharged.

A resolution having been adopted yesterday, subsequent to the appointment of the committee, relative to the subject of a place of meeting, further action upon the report was deemed unnecessary.

Mr. Ells offered the following resolution:

*Resolved*, That the standing rules of this Convention be amended by striking out the words "Jefferson's Manual" and inserting the words "Cushing's Manual:" and that the Secretary of State furnish each member with a copy of Cushing's Manual;

Which resolution was adopted.

Mr. Harris moved a re-consideration of the vote of yesterday by which the number of newspapers allotted to each member is limited to ten dailies, or their equivalent;

Upon this question the yeas and nays were demanded, with the following result:

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Emerson,  
Gibson,

Messrs. Harris,  
Marvin,  
Palmer,  
Peters,  
Scott,  
Todhunter,  
Wilson,

Gillaspy—15.

## NAYS.

Messrs. Clark, of Alamakee,  
Cotton,  
Day,  
Edwards,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Parvin,  
Patterson,

Messrs. Price,  
Robinson,  
Seely,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Winchester,  
Young,  
Springer, (P) 20.

So the motion to reconsider was not agreed to.

Mr. Hall offered the following resolution :

*Resolved*, That the Secretary of State be requested to furnish this Convention with a list of the organized Counties in this State ;

Which resolution was adopted.

Mr. Palmer offered the following as an addition to the Rules of the Convention :

“Previous notice of one day shall be given of every proposed amendment to these rules ;”

Which was adopted.

Mr. Hall offered the following :

*Resolved*, That the Secretary of State furnish each member of this Convention with a copy of Parker's Sectional Map of Iowa in pocket form ;

Which resolution was adopted.

On motion of Mr. Parvin,

The Convention then adjourned until ten o'clock to-morrow morning.



FRIDAY MORNING, JANUARY 23, 1857.

At ten o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of the proceedings of yesterday was read and approved.

Mr. Clarke, of Johnson, from the Committee to employ a Reporter and report a plan for the publication of the Debates and Proceedings, made the following

### REPORT.

The Committee to whom was referred the subject of employing a Reporter to report the Proceedings and Debates, etc., of the Convention, beg leave to submit the following additional report:

1. That three thousand copies of the Proceedings and Debates of this Convention be published in book form to correspond in size, appearance and workmanship with the Debates of the Massachusetts Constitutional Convention, on good paper, each page of which book shall contain at least three thousand ems of solid matter.

2. That it shall be the duty of the Reporter to report at length and accurately the proceedings and debates of the Convention, to perform which he shall employ at his own expense, and be responsible for, the necessary corps of Reporters, and that the report of each day's proceedings of the Convention shall be ready for delivery to the Printer as soon as the same can be written out, and as rapidly as he may require the same.

3. That the Reporter shall be allowed as a full compensation for his services the sum of three dollars per page; and the President is hereby authorized, from time to time, to furnish the said Reporter the necessary certificates on the Auditor of State, for such sums of money as may be necessary to enable the said officer to meet his necessary expenditures, not at any time to exceed the amount of labor performed.

4. That A. P. Luse & Co. be employed to print and bind the said Proceedings and Debates; and that they be allowed for said work the prices now paid the State Printer for similar kinds of work.

5. That it shall be the duty of the said A. P. Luse & Co., within thirty hours (unavoidable delays excepted) after the delivery of the copy of the proceedings and debates of each day to place upon the desk of each member of the Convention a proof sheet of said day's proceedings, &c.

6. That it shall be the duty of each member of the Convention at once to examine the said proof sheets and correct any errors that may be found therein; and the said proof sheets shall then be returned to the said printers, to make the necessary corrections.

7. That as soon thereafter as possible, and not to exceed forty-eight hours, after the return of said proof-sheet, the said A. P. Luse & Co., shall print on a good quality of newspaper paper—————copies of each form of said proceedings and debates for each member, for distribution, which said sheets shall be placed upon the desks of the members without delay, after which the said printers shall proceed to print the volume above provided for, without delay.

8. That the President of the Convention be authorized to draw certificates of payment in favor of the said A. P. Luse & Co., on the Auditor of State, as the said parties may require means to prosecute the work; provided that the payments made to said A. P. Luse & Co., during the progress of the work, shall not exceed three-fourths of the value or amount of work performed; and provided, further, that if the said parties fail to perform the said work, or complete the same, after the same has been commenced, they shall forfeit the amount due for work already performed and unpaid for; and the said A. P. Luse & Co. shall also execute to the State a bond similar to that required of the State Printer.

9. That it shall be the duty of the Secretary of State, to furnish the said A. P. Luse & Co., with the necessary paper for printing the said work herein specified, as the same may be required by the said printers.

10. That the said volume shall be bound in sheep binding.

11. That a Committee of three be appointed whose duty it shall be to superintend the reporting and printing of the said Proceedings and Debates.

12. The said work, during its progress, and when completed, shall be the property of the State of Iowa.

R. L. B. CLARKE,	} Committee.
J. C. HALL,	
W. PENN CLARKE.	

Which report was accepted, and on motion, was laid on the table, subject to the order of the Convention.

Mr. Johnston offered the following, and moved its reference to the Committee on Distribution of Powers and Legislative Department:

*Resolved*, That the Committee on Distribution of Powers and Legislative Department be instructed to inquire into the expediency

*First*—Of amending the second section of Article No. 3, of the Constitution of Iowa, by providing for annual sessions of the General Assembly, and fixing the day of the meeting on the first Monday of January ;

*Second*—Of amending the third section of Article No. 3, so as to provide for the election being held on the Tuesday after the first Monday of November ;

*Third*—Of amending section No. 5 of Article No. 3 by striking out “twenty-five” and inserting “twenty-one ;”

*Fourth*—Of amending section 25 of Article No. 3 by striking out “two” and providing that the per diem of members shall be three dollars until the meeting of the next General Assembly, who shall be authorized to fix the per diem of the members of the succeeding General Assembly and thereafter that the per diem of members shall be established every fifth year ;

*Fifth*—Of amending Article 3 by striking out sections 26 and 27 ;

*Sixth*—Of amending section 31 of Article No. 3 so that the census shall be taken by the authority of the State in 1865, and every tenth year thereafter, and then that the apportionment of members of the General Assembly be made according to population ;

*Seventh*—Of amending article No. 3 by striking out section 34 ;

*Eighth*—Of amending Article No. 3 by adding the following section :

“No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the Journal.”

*Ninth*—Of amending Article No. 3 by adding the following section :

“The assent of the two-thirds of the members elected to each branch of the General Assembly, shall be requisite to every bill appropriating the public money, or property for local or private purposes ;”

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Clarke, of Johnson, offered the following and moved its reference to the Committee on Judicial Department :

*Resolved*, That the Committee on the Judicial Department be instructed to inquire into the expediency of limiting for a period of years, the number of Judges of the District Court, fixing their salaries, apportioning the State into Judicial Districts, and providing for a reapportionment every five years ;

Which was adopted and the Resolution of Inquiry was so referred.

Mr. Traer offered the following and moved its reference to the Committee on Amendments to the Constitution :

*Resolved*, That the Committee to whom was referred so much of the Constitution as refers to amending the same, be instructed to inquire into the expediency of so amending the Constitution as to provide for a vote for or against holding a Convention to amend the Constitution at least once in ten years ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Patterson offered the following resolution :

*Resolved*, That the use of this room be given to the State Colonization Society this evening ;

Which was adopted.

Mr. Todhunter offered the following resolution :

*Resolved*, That the Secretary of State be and he is hereby required to furnish each Delegate with an abstract of the Census of each organized county of the State of Iowa ;

Which was adopted.

Mr. Clarke, of Johnson, moved to take up the report of the Committee to employ a Reporter and report a plan for the publication of the Debates and Proceedings, which was laid on the table this morning, subject to the order of the Convention ;

Which motion was agreed to.

Mr. Traer moved to fill up the blank in the seventh section of said report by inserting the words "twenty-five ;"

Mr. Harris moved to fill up said blank by inserting the word "fifty," and

Mr. Young moved to fill up said blank by inserting the word "ten."

Upon the question of agreeing to the motion of Mr. Harris to fill up said blank by inserting the word "fifty," the yeas and nays were demanded, and it was decided in the negative as follows :

## YEAS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Edwards,  
Scott—7.

Messrs. Harris,  
Marvin,  
Palmer,

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Cotton,  
Day,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Hollingsworth,  
Johnston,  
Patterson,

Messrs. Parvin,  
Peters,  
Price,  
Robinson,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer(P.)28.

Upon the question of agreeing to the motion of Mr. Traer to fill up said blank by inserting the words "twenty-five," the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Cotton,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,

Messrs. Harris,  
Johnston,  
Marvin,  
Palmer,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,

Winchester—27.

## NAYS.

Messrs. Hall,  
Hollingsworth,  
Parvin,  
Patterson,

Messrs. Peters,  
Wilson,  
Young,  
Springer, (P.)—8.

The report as amended was then adopted and the Committee discharged.

Mr. Gibson offered the following and moved its reference to the Committee on State Debts:

*Resolved*, That the Committee on State Debts be requested to inquire into the expediency of so amending the Constitution that the entire indebtedness of this State shall not exceed Five Hundred Thousand Dollars for the next ten years;

Which was adopted and the Resolution of Inquiry was so referred.

Mr. Wilson offered the following and moved its reference to the Committee on Amendments to the Constitution:

*Resolved*, That the Committee to which was referred Art. 10 of the Constitution be instructed to inquire into the expediency of so amending said article as to embody in it the following proposition:

Any amendment or amendments to the Constitution may be proposed in either house of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses and such proposed amendment or amendments shall be entered on their Journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of members of the General Assembly and shall be published in at least one newspaper in every county where such papers may be published for two months previous to such election, and if the General Assembly so chosen shall agree to the proposed amendment or amendments by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the Legislature may prescribe, provided such submission shall provide for a vote of the people before the meeting of the next session of the Legislature; and if the people shall approve and ratify such amendment or amendments by a majority of all the votes cast at such election, voting thereon, such amendment or amendments shall become a part of the Constitution;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Clarke, of Henry, gave notice that to-morrow or on some future day he would move to amend the Rules by adding the following:

Resolutions of instructions to committees shall lie upon the table one day before reference and be debateable. Resolutions, petitions, and memorials, praying or suggesting amendments to the Constitution shall be referred to their appropriate committees without debate.

Mr. Parvin offered the following and moved its reference to the Committee on State Debts:

*Resolved*, That the Committee on State Debts be requested to inquire into the expediency of preventing Counties and Cities from creating a debt for the purpose of aiding incorporated companies in works of Internal Improvement ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Todhunter offered the following and moved its reference to the Committee on Distribution of Powers and Legislative Department :

*Resolved*, That the Committee on Legislative Department be requested to inquire into the expediency of having the Constitution so amended as to provide that every bill or resolution which shall have passed both branches of the Legislature shall before it becomes a law be presented to the Governor ; if he approve, he shall sign it, if not he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large upon their Journal and if it be not repassed by a majority of all the members elect of each branch, the same shall not become a law ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Clarke, of Johnson, offered the following :

*Resolved*, That the Reporter be instructed to omit from the Report of Debates the debate on the subject of removal of the Convention ;

Which resolution was not agreed to.

On motion of Mr. Emerson,

The Convention adjourned until Monday afternoon next at 2 o'clock P. M.

## MONDAY AFTERNOON, JANUARY 26, 1857.

At two o'clock, P. M., the President called the Convention to order. Prayer was offered by the Chaplain.

The Journal of Friday's proceedings was read and approved.

Mr. Edwards, from the Committee on Right of Suffrage, made the following

### REPORT.

The committee to whom was referred that portion of the Constitution relating to the right of suffrage, have had that subject under consideration and have unanimously instructed me to report the same back without amendment and recommend its adoption by this Convention, as follows:

#### ARTICLE II. — *Right of Suffrage.*

1. Every white male citizen of the United States of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county in which he claims his vote twenty days, shall be entitled to a vote at all elections which are now or hereafter may be authorized by law.

2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.

5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

6. All elections by the people shall be by ballot.

JOHN EDWARDS, *Chairman.*

Which report having been read, it was ordered to lie on the table and that one hundred copies to be printed for the use of the Convention.

Mr. Warren, from the Committee on Amendments to the Constitution, presented the following

## REPORT.

The Standing Committee upon Future Amendments to the Constitution, have had the same under consideration; a majority of said committee ask leave to report and recommend the following sections to the favorable consideration of the Convention :

1. Any amendment or amendments to this Constitution may be proposed in either house of the General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their Journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election and shall be published as provided by law for three months previous to the time of making such choice : and if, in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the General Assembly shall provide ; and if the people shall approve of and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly voting thereon, such amendment or amendments shall become a part of the Constitution of this State.

2. At the general election to be held in the year One Thousand Eight Hundred and Sixty-seven and in each tenth year thereafter, and also at such times as the General Assembly may by law provide, the question shall there be a convention to revise the Constitution and amend the same, and shall be decided by the electors qualified to vote for members of the General Assembly : and in case a majority of the electors so qualified voting at such election, shall decide in favor of a Convention for such purpose, the General Assembly at its next session, shall provide by law for the election of delegates to such Convention.

W. A. WARREN, (*Chairman.*)  
JNO. T. CLARKE,  
DAVID BUNKER.

Which report was read, ordered to be laid on the table, and that one hundred copies be printed for the use of the Convention.

Mr. Parvin, from the Committee on Distribution of Powers and Legislative Department, made the following

## REPORT.

The committee on the Distribution of Powers and Legislative Department ask leave to report so far as relates to the former :

Your committee have had the subject of the Distribution of Powers of the State Government under consideration and have instructed me to report the same as exists in our present Constitution without amendment, as follows :

### ARTICLE III—*Of the Distribution of Powers.*

1. The powers of the government of Iowa shall be divided into three separate departments: The Legislative, the Executive and the Judicial ; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

J. A. PARVIN,  
*Chairman.*

Which report was read and ordered to lie on the table.

Mr. Warren moved to reconsider the vote by which the Report of the Committee on Right of Suffrage was ordered to be printed ;

Which motion was agreed to.

Mr. Johnston then moved that the motion to print said report be laid on the table ;

Which motion was agreed to.

Mr. Cotton moved that the Convention do now take up and proceed to the consideration of the report of the committee on Distribution of Powers and Legislative Department ;

Which motion was agreed to.

Mr. Cotton then moved that said report be adopted.

After some discussion,

On motion of Mr. Wilson,

The report was again laid on the table.

Mr. Traer gave notice that to-morrow, or on some future day, he would introduce a resolution to amend the Rules, so as to require a proposition to be read three times on three different days before being passed finally.

Mr. Wilson offered the following and moved its reference to the Committee on Incorporations :

*Resolved*, That the committee on Corporations be instructed to inquire into the expediency of amending Art. 8 of the Constitution by adding thereto the following section :

*Section* —. The property of corporations now existing or hereafter created shall forever be subject to taxation the same as the property of individuals ;

Which was adopted and the Resolution of Inquiry was so referred.

Mr. Wilson also offered the following and moved its reference to the committee on Distribution of Powers and Legislative Department ;

*Resolved*, That the Committee on the Legislative Department be instructed to inquire into the expediency of amending that portion of Art. 3 of the Constitution which relates to the Legislative Department by adding to said Article the following section :

*Section* —. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered or the contract entered into : nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing law unless such compensation or claim be allowed by two-thirds of the members elected to each branch of the General Assembly ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Edwards offered the following and moved its reference to the committee on Judicial Department :

*Resolved*, That the committee on the Judicial Department be instructed to inquire into the expediency of providing for the election of District Attorneys in lieu of county Prosecuting Attorneys ; also to provide for the election of the Supreme Judges by the people ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Clarke, of Johnson, offered the following resolution :

*Resolved*, That the Secretary of State be requested to furnish the committee on the Judicial Department a statement showing the number of Judicial Districts in this State under the laws now in force, and those created by the Acts passed at the present session—when the terms of the present judges expire—the number of counties in each Judicial District and the number of inhabitants in each county, in each of said districts ;

Which resolution was adopted.

Mr. Bunker offered the following resolution and moved its reference to the committee on Incorporations :

*Resolved*, That the Committee on Incorporations be requested to inquire into the expediency of so amending the Constitution as to authorize the Legislature to provide for the organization of a State Bank and branches ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Solomon offered the following and moved its reference to the committee on Incorporations :

*Resolved*, That the committee on Incorporations be requested to inquire into the expediency of making the following or its equivalent a part of the Constitution, *to wit* :

“The power of issuing paper money shall not be granted by this State;”

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Clark, of Alamakee, offered the following, and moved its reference to the Committee on Incorporations :

*Resolved*, That the Committee on Incorporations be instructed to inquire into the propriety of so amending the Constitution as to allow the General Assembly to pass a General Banking Law ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Clarke, of Henry, offered the following :

*Resolved*, That this Convention consider the expediency of amending Article 4 by providing for the election of a Lieutenant Governor, who, by virtue of his office, shall preside over the Senate, having the right to debate in Committee of the Whole and of a casting vote in cases of a tie, and who shall exercise all the powers and have the title of Governor in case that office becomes vacant by death or other cause;

Which said resolution,

On motion, was referred to the Committee on Executive Department.

Mr. Price offered the following and moved its reference to the Committee on Executive Department :

*Resolved*, That the Committee on Executive Department be requested to take under consideration the propriety

1st. Of limiting the term of office of the Executive to two years—

2d. The creation of the office of Lieutenant Governor—

3d. Restriction and qualification of the Pardoning Power—

4th. Election by the people of all State officers and regulating the succession to office in case of removal or other disability—

5th. Restricting legislative action wherever the Legislature may be specially called together to the passage of such acts alone as are referred to in the message of the Executive, thus specially convening them ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Solomon offered the following and moved its reference to the committee on Preamble and Bill of Rights :

*Resolved*, That the committee on Preamble and Bill of Rights be requested to consider the expediency of adopting the following, or its equivalent, as a section in the Bill of Rights, *to wit* :—

“No law shall be passed prohibiting the manufacture or traffic in property which is a production of this State, or a legitimate article of traffic with other States and foreign nations—or destroying, or, in any manner impairing the right of property therein ;”

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Clarke, of Johnson, offered the following, and moved its reference to the committee on Right of Suffrage :

*Resolved*, That the Committee on Suffrage be instructed to inquire into the expediency of providing that all elections in this State shall be holden on some other than the second day of the week ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Johnston offered the following and moved its reference to the Committee on Education and School Lands :

*Resolved*, That the Committee on Education and School Lands be directed to inquire into the expediency of amending Art. 9th, of the Constitution of Iowa—

*First*—By providing that there be directed either by election or appointment of a Board of Education consisting of ten or twelve person residing in different parts of the State who are interested in, and familiar with the subject of Education ; that they shall be paid their necessary traveling expenses and a per diem not exceeding three dollars for four meetings in each year, and of not more than three days each ; that they shall be the Trustees of the State University and have the general charge of the common and other public schools of the State ; that they shall have power to appoint a Secretary of their Board, who shall be their general executive agent and required to perform such duties in connection with the Public Schools and education of the State, as the Board may assign to him ; and that the office of Superintendent of Public Instruction be abolished.

*Second*—By providing for the gradual withdrawal of the School Funds from the hands of the School Fund Commissioners and directing the General Assembly to provide for the investment of said funds in the bonds of the United States or of solvent interest-paying States.

*Third*—By providing that the entire University Fund of the State shall be directed to the support of a State University, one and indivisible.

*Fourth*—By providing that the State University shall be located at

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Traer moved a re-consideration of the vote by which the report of the committee to employ a Reporter and report a plan for the publication of the Debates and Proceedings, was adopted.

Upon the question of agreeing to this motion, the yeas and nays were demanded and it was decided in the affirmative as follows:

## YEAS.

Messrs. Ayers,  
Clark, of Alamakee,  
Cotton,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Palmer,  
Patterson,  
Price,  
Robinson,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P)—24.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Gower,

Messrs. Marvin,  
Parvin,  
Peters,  
Scott,  
Seely,

Todhunter—11.

Mr. Young moved that the report be laid on the the table until to-morrow morning;

Upon this question the yeas and nays were demanded and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Cotton,  
Day,  
Edwards,

Messrs. Harris,  
Hollingsworth,  
Marvin,  
Parvin,  
Scott,  
Seely,  
Todhunter,  
Traer,

Messrs. Ells,  
Gibson,  
Gower,  
Gray,  
Springer (Prest.,)—25.

Messrs. Warren,  
Wilson,  
Winchester,  
Young,

NAYS.

Messrs. Emerson,  
Hall,  
Johnston,  
Palmer,  
Patterson,

Messrs. Peters,  
Price,  
Robinson,  
Skiff,  
Solomon—10.

Mr. Clarke, of Henry, offered the following and moved their reference to the committee on Right of Suffrage and the committee on Distribution of Powers and Legislative Department respectfully :

*Resolved*, That the committee on Suffrage inquire and report on the expediency of referring to the 1st section of Article 2d, to the people as a separate clause, to be voted upon so that if a majority of the voters shall vote in favor of retaining the word "white" in said section it shall be retained, but if a majority thereof shall vote in favor of striking it out it shall be stricken out, so that said section shall read "Every male citizen of the United States," &c.

*Resolved*, That the committee on the Legislative Department inquire and report on the expediency of amending section 4 of Art. 3, so that it shall read,—

"Any person may be a member of the General Assembly who shall be entitled to the right of suffrage in the States and at the time of his election have had an actual residence in the County or District he may be chosen to represent."

Mr. Hall moved to amend the resolutions by instructing the committees to report adversely to the propositions therein contained.

Mr. Edwards moved that the said resolutions be laid upon the table ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

YEAS.

Messrs. Ayers,  
Cotton,  
Day,  
Edwards,  
Emerson,  
Gibson,

Messrs. Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,

Messrs. Harris,  
Hollingsworth,  
Johnston  
Palmer,  
Patterson,  
Peters,

Messrs. Todhunter,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer (P) 24.

NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Gower,

Messrs. Gray,  
Hall,  
Marvin,  
Parvin,  
Traer—10.

Mr. Peters offered the following and moved its reference to the committee on Judicial Department:

*Resolved*, That the Committee on the Judicial Department be instructed to inquire into the expediency of so amending the Constitution as to vest the Judicial power of the State in a Supreme Court, in District Courts, Courts of Common Pleas, Courts of Probate, Justices of the Peace and in such other Courts, inferior to the Supreme Court in one or more counties as the General Assembly may from time to time establish, and to classify and limit said Courts as follows:

The Supreme Court shall consist of five Judges, a majority of whom shall be necessary to form a quorum or to pronounce a decision. It shall have appellate jurisdiction only in all cases in chancery and shall constitute a court for the correction of errors at law under such restrictions as the General Assembly may by law prescribe. The Supreme Court shall have power to issue all writs and processes necessary to do justice to parties and shall exercise supervisory control over all inferior judicial tribunals in the State. The Supreme Court shall be elected by electing one in each Judicial District, the Chief Justice to be elected by the electors of the State at large. The State shall be divided into four Common Pleas Districts of compact territory and bounded by county lines, and each of said districts consisting of three or more counties, shall be subdivided into three parts of compact territory and bounded by county lines, and as nearly equal in population as practicable—in each of which one Judge of the Court of Common Pleas of said district shall be elected by the electors of said sub-division. Courts of Common Pleas shall be held in each by one of said Judges in each of said sub-divisions, as often as the General Assembly may by law provide, and more than one court or sitting thereof may be held at the same time in each district. The District Court shall be composed of the Judges of the Courts of Common Pleas of the respective districts and one of the Judges of the Supreme Court, any three of whom shall

be a quorum; and shall be holden in each sub-division at least once in each year. And the General Assembly may for each district provide that said court shall hold three annual sessions in not less than three places. The General Assembly may by law authorize the Judges of each district to fix the times of holding courts therein. The District Court shall have original jurisdiction in all cases of law and equity and such appellate jurisdiction as may be provided by law.

There shall be established in each organized county a Probate Court, which shall be a court of record, open at all times and holden by one Judge elected by the voters of the county, who shall hold his office for the term of three years, and shall receive such compensation out of the county treasury as shall be provided by law.

A competent number of Justices of the Peace shall be elected by the electors in each township in the several counties; their terms of office shall be two years and their powers and duties shall be regulated by law.

The Judges of the Court of Common Pleas shall immediately after the first election under this Constitution be classified by lot so that one shall hold office for the term of two years, one for three years, one for four years and one for five years, the Chief Justice to be elected for five years, and all subsequent elections the term of each of said Judges shall be for the term of five years.

The Judges of the Court of Common Pleas shall while in office reside in the district for which they are elected, and their term of office shall be for five years;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Ayers offered the following and moved its reference to the committee on State Debts:

*Resolved*, That the Committee on State Debts be requested to inquire into the expediency of annexing to that department as an amendment the following sections:

*Section 2.* That the State shall never assume the debts of any county, city, town, or township, or of any corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the State in war.

*Section 3.* The General Assembly shall never authorize any county, city, town or township by vote of its citizens or otherwise to become a stockholder in any joint stock company, corporation, or association whatever, or to raise for, or loan its credit to, or in aid of, any such company, association or corporation.

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Solomon offered the following and moved its reference to the committee on the Legislative, Executive and Judicial Departments, respectively :

*Resolved*, That the committees on the Legislative, Executive and Judicial Departments, be requested to inquire into the expediency of declaring any voter twenty-one years of age and upwards to be eligible to any office in this State ;

Which was adopted, and the Resolution of Inquiry was so referred.

On motion of Mr. Palmer,

The Convention then adjourned until to-morrow morning at ten o'clock.

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## TUESDAY MORNING, JANUARY 27, 1857.

At ten o'clock A. M. the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

The President presented the petition of R. M. Wilson and fifteen others requesting the incorporation in the Constitution of such provisions as to give validity to laws respecting the observance of the Christian Sabbath ;

Which was read, and,

On motion, was referred to the Committee on Preamble and Bill of Rights.

The President also presented the petition of Alex. Story and forty-six others upon the same subject ;

Which was read, and,

On motion, was referred to the same committee.

Mr. Gower offered the following and moved its reference to the committee on Education and School Lands :

*Resolved*, That the Committee on Education and School Lands be instructed to inquire into the propriety of locating the State University, and devoting the School Fund entire to it : also, that the State take all school funds, present and prospective, and pay semi-annually a per cent. thereon ; that the Auditor and Treasurer make a *pro rata* distribution of the interest semi-annually to the counties ; that the county Judges draw the amount due their counties semi-annually, and distribute to the school districts therein ; all to be done by salaried officers, *ex officio*, free of charge ; that the principal be a perpetual fund, the interest only to be used ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Parvin offered the following and moved its reference to the committee on Right of Suffrage :

*Resolved*, That the Committee on the Right of Suffrage be requested to inquire into the expediency of inserting a clause, as follows :

The General Assembly shall pass laws for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established ;

And further, in Sec. 1, after the word "days" insert, "and within two years paid a state or county tax which shall have been assessed at least ten days before the election : " Also, add to said Sec. 1, "*Provided*, That electors otherwise qualified, between the ages of twenty-one and twenty-two years, may vote without the payment of taxes ; "

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Edwards offered the following and moved its reference to the Committee on Distribution of Powers and Legislative Department :

*Resolved*, That the committee on the Legislative Department be instructed to inquire into the expediency of reporting an amendment to the Constitution, providing that the General Assembly shall not pass local or special laws, in any of the following enumerated cases, that is to say :

Regulating the jurisdiction and duties of Justices of the Peace and Constables ;

For the punishment of crime and misdemeanors ;

Regulating the practice in Courts of Justice ;

Providing for changing the venue in civil and criminal cases ;

Granting divorces ;

Changing the names of persons ;

For laying out, opening and working on highways, and for the election or appointment of township trustees and supervisors ;

Vacating roads, town-plots, streets, alleys and public squares ;

Removal of county seats ;

Summoning and empannelling grand and petit jurors and providing for their compensation ;

For the assessment and collection of taxes for state, county, township or road purposes ;

Providing for supporting common schools and for the preservation of school funds ;

In relation to fees or salaries ;

In relation to interest on money ;

Providing for opening and conducting elections of State, county or township officers and designating the place of voting :

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees ;

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Hall offered the following, which, under the Rule adopted by the Convention, will lie over one day before being acted upon :

*Resolved*, That after this day resolutions shall not be in order, offered for the purpose of reference to the Standing Committees, instructing them to inquire as to the propriety of adopting indicated propositions :

Mr. Clarke, of Henry, in pursuance of notice given on Friday last, moved to amend the Rules by adding thereto the following :

“Resolutions of instructions to Committees shall lie upon the table one day before reference, and be debateable. Resolutions, petitions and memorials, praying or suggesting amendments to the Constitution shall be referred to their appropriate committees without debate ;”

The question being upon the adoption of said resolution,

Mr. Skiff moved that the consideration thereof be indefinitely postponed ;

Which motion was agreed to.

Mr. Traer offered the following, which, under the Rule adopted by the Convention, will lie over for one day before being acted upon :

*Resolved*, That the Rules of order be amended by adopting the following order of business :

After the Journal is read the following order shall govern :

1. Petitions or memorials to be offered.
2. Resolutions.
3. Reports of Committees.
4. Communications on the President's table.
5. Reports in possession of the Convention.
6. Unfinished business.

And also the following additional Rule,

Rule 18. All Resolutions and Reports of Committees shall lie over one day before being acted upon, except by unanimous consent.

Mr. Clarke, of Henry, offered the following :

*Resolved*, That the Committee on Incorporations be requested to report in favor of a General Banking Law, in preference to a Stock Bank System, and not to report in favor of both such systems ;

Mr. Parvin moved that said resolution be laid on the table until to-morrow morning ;

Which motion was agreed to.

Mr. Wilson from the Committee on State Debts made the following

## REPORT.

The Committee on State Debts to which was referred the resolutions directing inquiry into the expediency of prohibiting counties, cities, &c., from becoming stockholders in joint stock companies, &c., have had the same under consideration, and have instructed the undersigned to report the same back to the Convention and recommend that no action be taken thereon by the Convention.

J. F. WILSON,  
*Chairman.*

Mr. Harris moved that the Report and the resolutions just reported back to the Convention, be referred to the Committee on Incorporations with instructions to consider the subject :

Mr. Clarke, of Johnson, moved to amend by having them referred to the Committee on Miscellaneous Matter ;

Which motion to amend was lost, and

The motion of Mr. Harris was then agreed to.

Mr. Clarke, of Henry, offered the following resolution :

*Resolved*, That it is not expected that Standing Committees shall report separately upon petitions, memorials and resolutions, referred to them, except resolutions of instructions ;

Which resolution was adopted.

Mr. Wilson from the Committee on State Debts made the following

## REPORT.

The Committee on State Debts to which was referred Article 7, of the Constitution relating to State Debts, have had the same under consideration, and have unanimously agreed upon recommending the Convention to adopt the following Article upon the subject of State Debts :

### ARTICLE —.

1. The credit of this State shall not in any manner be given or loaned to, or in aid of any individual, association or corporation ; and the State shall never assume, or become responsible for, the debts or liabilities of any individual association or corporation.

2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for ; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed the sum of One Hundred Thousand Dollars ; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

3. In addition to the above limited power, to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war ; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

4. Except the debts specified in the second and third sections of this Article no debt shall be hereafter contracted by, or on behalf of this State, unless such debt shall be authorized by some law for some single work or object to be distinctly specified therein : and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay the interest on such debt as its falls due, and also to pay and discharge the principal of such debt within twenty years from the time of contracting thereof ; but no such law shall take effect until at a general election it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such

election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt created thereby, and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the State for three months preceding the election at which it is submitted to the people.

5. The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such law, in proportion to the debt and liability which may have been contracted in pursuance of such law shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability.

6. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

All of which is respectfully submitted.

J. F. WILSON,  
*Chairman.*

Which was read, ordered to be laid on the table and that one hundred copies thereof be printed for the use of the Convention.

Mr. Traer moved to take up the report of the Committee to employ a Reporter and report a plan for the publication of the Debates and Proceedings, the vote upon which having been re-considered, was laid upon the table until this morning;

Which motion was agreed to.

Mr. Traer then moved to strike out the words "three thousand" in the first section of said report:

Upon this question the yeas and nays were demanded, with following result:

#### YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Cotton,  
Day,  
Edwards,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,

Messrs. Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Scott,  
Seely,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer (P.) 32.

## NAYS.

Messrs. Clarke, of Henry,  
Hall,

Messrs. Skiff,  
Solomon—4.

So the motion to strike out the words “three thousand” was agreed to.

Mr. Clarke, of Johnson, moved to strike out of the seventh section of said report the words “twenty-five;”

Upon this question the yeas and nays were demanded with the following result:

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Cotton,  
Edwards,  
Ells,  
Emerson,  
Gower,  
Gray,  
Hollingsworth,  
Johnston,

Messrs. Marvin,  
Parvin,  
Peters,  
Scott,  
Seely,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P.) 24.

## NAYS.

Messrs. Ayers,  
Day,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Palmer,  
Patterson,  
Price,  
Robinson,  
Skiff,  
Solomon—12.

So the motion to strike out the words “twenty-five” was agreed to.

Mr. Trear moved to fill the blank in the first section of said report by inserting the words "fifteen hundred ;"

Mr. Johnston moved that the whole subject be laid upon the table until to-morrow morning ;

Which motion was not agreed to.

Mr. Clarke, of Henry, moved that the Convention adjourn until ten o'clock to-morrow morning ;

Which motion was not agreed to.

Mr. Edwards moved that the Convention adjourn until two o'clock this afternoon ;

Which motion was agreed to.

Mr. Clarke, of Johnson, moved that the whole subject be laid upon the table until to-morrow at eleven o'clock ;

Which motion was agreed to.

On motion of Mr. Skiff,

The Convention then adjourned until ten o'clock to-morrow morning.

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### WEDNESDAY MORNING, JANUARY 28, 1857.

The President took the Chair, at ten o'clock, A. M., and called the Convention to order.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Gower offered the following and moved its reference to the committee on Incorporations :

*Resolved*, That the Committee on Incorporations be instructed to inquire into the propriety of engrafting the annexed bill in our Constitution with such amendments as may be deemed necessary :

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That \_\_\_\_\_

are appointed commissioners to open books, and receive subscriptions for the establishment of a bank in the city of \_\_\_\_\_, which bank shall be call THE STATE BANK OF IOWA. And as soon as the said commissioners shall have obtained subscriptions to the amount of five hundred thousand dollars, they shall then call a meeting of the subscribers, in the city of \_\_\_\_\_, giving at least *thirty* days' notice, in *five* different papers published within the State of Iowa, of the time and place of such meeting for the general organization of said Bank, which shall be consummated by the election of six Directors from among said subscribers; and as soon as said organization has been consummated, they will then resign their trust into the hands of the newly-elected officer of the bank.

SEC. 2. Be it enacted, That the Bank situate in the city of \_\_\_\_\_ shall be called MAIN BANK, and all other banks shall be branches thereof. The Main Bank shall only issue its notes to the branch banks—having inserted in each note the name of the particular bank for whose use they are intended; and in no case shall the Main Bank put into circulation any notes purporting to be issued by the State Bank of Iowa, otherwise than through the branch banks.

SEC. 3. The Main Bank shall be divided into three departments—as, *firstly*, the Regulating Department; *secondly*, the Issuing Department; and, *thirdly*, the Redemption Department.

The *Regulating Department* shall be a Board of Control, consisting of three members, one of whom shall be elected by the Legislature, one by the people, in general election, and one by an election to be held exclusively by the Directors of the branch banks throughout the State—the Directors of each branch being allowed to hold their meetings in their own banking-house, to cast their votes—putting the name or names of their candidate so voted for in a sealed package, and sending it by mail, addressed to the President of the Board of Control, who shall open it in the presence of the whole Board, and count the votes; and the one receiving a plurality of votes shall be considered duly elected. The members of the Board of Control shall hold their term of office three years, one to be elected every year—the member elected by the Legislature being the first President, and the oldest member of the Board thereafter, according to the one term of his official service only. The duties of the Board of Control shall consist in the entire management of the organic operations of the Main Bank and branches; for the better and more impartial regulation thereof, they shall compose, and have printed, a set of rules and regulations, applying, in their effects, to each and every branch of the Main Bank, alike. The Board

of Control, or either of them, shall also have the power to appoint Inspectors, to visit all, or any one of, the branches, to inspect their books, papers, and assets, generally, and report their standing to said Board in writing—their visits being made at any time in which the Board of Control, or any member thereof, may deem fit, and without notice to the branch being so visited; and if it is shown in said report that the affairs of such branch are not in a sound condition, it shall be the duty of the Board of Control to call upon the executive officer of such branch, to show cause why said branch shall not be closed, and the assets thereof taken possession of by the Main Bank, and its affairs wound up; and if the officer aforesaid shall not answer the call of the Board of Control, as aforesaid, or if they shall so do, but not give sufficient reason for the continuance of their business, it shall then be the duty of the said Board to take possession of the assets of such branch, and dispose of them to the best advantage—using the proceeds, *firstly*, for the redemption of its issues; *secondly*, for the payment of depositors with the branch; and, *thirdly*, for the payment of all other liabilities *pro rata*; and if anything be left thereafter, the same shall be handed over to the stockholders, in proportion to their stock in said branch as paid in; but if there shall not be sufficient assets to meet the first, second and third class of claims against the branch, in that case the Directors shall be assessed in a like ratio with the amount of their stock subscribed, whether it is all paid in or not, to the amount necessary to liquidate the indebtedness of the bank. If there shall not be enough assets to redeem all the notes of such branch, then, in that case, the Board of Control shall make an assessment upon each of the other branches, according to their capital, respectively, to make up the deficit; and if any branch shall neglect or refuse to comply with the requirements of the assessment, the Board of Control will then proceed to close up such branch in the same manner and to the same extent as the first.

The *Issuing Department* shall provide *all* the bank-notes intended for circulation by the branches throughout the State, and disburse them to the branches, in accordance with the written order of the Board of Control—stamping upon each note the insignia of such department belonging to the great seal thereof—entering the number, letter, date, and denomination of each note in a register kept exclusively for that purpose—keeping the registration of the notes of each branch separately.

The *Redemption Department* shall have the possession of the specie and securities belonging to the Bank and to the branches, and provide a suitable fire-proof vault for security of the same, using the same only in the redemption of the bank-note issues of the branches—the same having been issued from the Issuing Department aforesaid—which notes the Department will retain until duly required to be given up by a writ-

ten order from the Board of Control, and endorsed by the cashier of the Issuing Department.

SEC. 4. The salaries of the members of the Board of Control shall be \_\_\_\_\_ a year, and to be regulated entirely by the Legislature, but in no case to be decreased during their term of office. The salaries of the subordinate officers are to be regulated by the Board of Control, at their option.

SEC. 5. Branch banks must be organized upon the following plan—to-wit: Whenever any persons—numbering not less than twelve, two-thirds of whom must be residents of the county in which it is proposed to locate the bank—shall wish to establish a branch bank, they must first get up an instrument of writing, in which they must state the names of the parties connected with it, their respective places of residence, business, and the amount of their present subscription, the place in which they wish to locate their bank, the name under which it is to be known and do business, the amount of its capital, and the term for which it is intended that the charter shall continue; after which the application so arranged shall be forwarded to the Board of Control, whose duty it will be to issue a permit, authorizing the establishment of the bank, if they have published a notice in some paper, in the place where it is intended to locate such bank, of such application having been made, thirty days before granting such permit, and there exists no objection from any one to the creation of such bank,—or if there are objections, but which have been overruled by the Board,—the presentation of which to the Redemption Department, for safe keeping, will consummate the bank a branch of the State Bank of Iowa. Whenever the branch so erected shall seek for bank-notes for circulation, it must then place in the hands of the receiving officer of the Redemption Department *one-third* the amount of the notes so required in gold and silver, as the said officer may require—this provision only extending to three times the amount of the capital of such branch. If any branch shall wish to obtain more notes than three times the amount of its paid in capital, it must then give to the receiving officer of the Redemption Department, State or United States stocks, at the rate of five per cent. less than the ruling market value in New-York City, at the time of such deposit, dollar for dollar, of the amount of notes required for circulation; and if at any time thereafter the stock so deposited shall fall in price three per cent. below the price at which it stood at the time of such deposit, the receiving officer aforesaid must then notify the executive officers of such bank that they must place in his hands more stock within ten days thereafter; and if they do not comply therewith, he must proceed to sell that in his hands, and apply the proceeds to the redemption of such notes, which notes must have stamped, or printed from steel-engraved die, upon their face the words RELIEF NOTES, by which they will be know from all others.

SEC. 6. All the notes so put in circulation by the branch banks shall be redeemed by the Main Bank only; but the branch banks must receive the notes of any and every branch in payment of any claims due such branch, if offered, whether the branch issuing them is solvent or not; but any branch so receiving such notes is not precluded from presenting the same, if it should choose to do so, to the Main Bank for redemption; but in no case will a branch bank be allowed to make a deposit with the notes of other branches, for the purpose of obtaining circulating notes for its own use, either directly or indirectly. No branch bank shall issue or put into circulation any other notes purporting to be issued by such branch but those which it has obtained from the Issuing Department of the Main Bank, in \_\_\_\_\_.

SEC. 7. The number of branches shall be limited to that of fifty, being properly distributed throughout the State—there not being more than three in any one city, or more than two in any one town, or more than one in any one village—these numbers to be increased only by an act of the Legislature, for the purpose of meeting the requirements of commerce and trade in any particular locality.

SEC. 8. The capital of each branch shall not exceed one million of dollars in the cities, nor less than fifty thousand dollars. In the towns, the capital of each branch shall not exceed five hundred thousand dollars, nor less than forty thousand dollars. In the villages, the capital of each branch shall not exceed one hundred thousand dollars, nor less than twenty-five thousand dollars.

SEC. 9. Each and every stockholder shall be held personally responsible to the amount of his or her stock subscribed, over and above the amount so subscribed for by him or her, in case it shall become necessary to collect the amount to liquidate all the claims against the branch to which they are stockholders; but this liability shall not be enforced until after the property, but personal and real, of the Directors of such branch, and that of all other branches, as above stated, has been exhausted in the payment of such claims.

SEC. 10. All taxes shall be assessed and collected of the banks in the same manner as they are of individuals; but when a branch pays its taxes upon its capital as assessed, the stockholders thereof shall not be assessed for taxes upon the stock so held by them of such bank.

SEC. 11. Any failure upon the part of any branch to comply with, or conform to, the requirements of this law, or any part thereof, shall be considered a forfeiture of its charter as such branch, and the assets, of all kinds whatsoever, shall revert to the Board of Control, the possession of which can be obtained if any resistance be shown by the officers or stockholders of the branch so delinquent, by the issue of an

order by the clerk of the Court of \_\_\_\_\_ directed to the sheriff of the county in which the bank is located, or by the clerk of the Supreme Court of the State of Iowa, directed to any executive officer acting under him, or deputized by him for this special purpose.

SEC. 12. Any officer of any branch which has failed or been closed by the Board of Control in consequence of improper delinquencies, or out-right frauds, shall not be eligible to hold office in any other branch bank within this State ; and any branch violating this provision by the appointment of any such person, and persisting in the same after due notice having been given the officers thereof of the antecedents of such person by the Board of Control, it shall be deemed a delinquent branch, and as such be proceeded against by the Board of Control in like manner and to the same extent as in other cases.

SEC. 13. If any branch shall wish to close its affairs, or to discontinue the circulation of its notes, it will be necessary for such branch to give the Board of Control due notice thereof, whose duty it shall be to advertise in two daily and weekly papers, published in the city of— \_\_\_\_\_ of such intention, requiring the presentation of all notes of such branch at the redemption office, within two years thereafter, or all outstanding notes at that time will be barred from redemption at such office ; and that the funds belonging to such branch will be handed to the receiver of such bank.

SEC. 14. The current expenses of the Main Bank shall be borne by the several branches, in proportion to their capital stock—each paying its allotted per centage, at the end of each six months, commencing on the 1st day of January of each year, in which expenses are to be included all payments for bank-rates, plates, papers, together with all other expenses therewith connected, or arising therefrom.

Which was adopted, and the Resolution of Inquiry was so referred.

Mr. Traer offered the following resolution :

*Resolved*, That so much of the Constitution as relates to the Basis of Representation be referred to a Special Committee of three ;

Which resolution was not agreed to.

Mr. Parvin offered the following and moved its reference to the Committee on Education and School Lands :

*Resolved*, That the Committee on Education and School Lands be requested to inquire into the expediency of making provision for the education of the children of blacks and mulattoes ;

The question being upon the adoption of the resolution,

It was moved that the same be laid upon the table :

Upon this question the yeas and nays were demanded with the following result :

## YEAS.

Messrs. Ayers,  
Cotton,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,

Messrs. Harris,  
Hollingsworth,  
Johnston,  
Palmer,  
Peters,  
Price,  
Robinson,

Solomon—15.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Marvin,  
Parvin,

Messrs. Patterson,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer (Prest.)—21.

So the motion to lay the resolution on the table was not agreed to.

The question now being upon the adoption of the resolution, the yeas and nays were demanded with the following result :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Marvin,  
Parvin,

Messrs. Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer (P.) 20.

## NAYS.

Messrs. Ayers,  
Cotton,

Messrs. Hollingsworth,  
Johnston,

Messrs. Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon—16.

So the Resolution of Inquiry was adopted and referred accordingly.

Mr. Clarke, of Johnson, moved to reconsider the vote by which the resolution relative to the appoint of a Special Committee on the Basis of Representation, was lost ;

Which motion was agreed to.

Mr. Harris moved to amend said resolution by inserting "seven" instead of "three ;"

Which motion was agreed to and the resolution as amended, was adopted.

Mr. Winchester offered the following :

*Resolved*, That until otherwise ordered, the daily sessions of this Convention shall convene at the hour of 9 o'clock, A. M., and 2 o'clock, P. M. :

Mr. Traer moved to amend said resolution by striking out "9 o'clock, A. M." and inserting "ten o'clock, A. M. ;"

Which motion was agreed to.

The resolution as amended was then adopted.

Mr. Traer moved to take up the resolution offered by him yesterday relative to an amendment to the Rules :

Which motion was agreed to.

Upon the question of adopting said resolution, it was decided in the negative.

Mr. Clarke, of Henry, offered the following, which, under the Rule adopted by the Convention, will lie over for one day before being acted upon :

*Resolved*, That the Secretary be not required to enter the whole of any resolution, report, memorial, or petition upon the Journal, but may enter the same by synopsis—That he be required also to furnish a synopsis of such voluminous reports, resolutions, memorials and petitions as have already been entered upon the Journal to be printed in their stead unless otherwise directed by a vote of this Convention in particular cases.

Mr. Seely, offered the following and moved its reference to the Special Committee on Basis of Representation :

*Resolved*, That the Committee on the Basis of Representation be requested to inquire into the expediency of reporting a system whereby there shall not be more than four organized counties included in one Representative District ; and when any two adjoining counties have a population equal to one-half of the basis of representation fixed by law they shall be entitled to one representative yearly ; and when any one county shall have a like population it shall be entitled to one representative ;

Which Resolution of Inquiry was adopted, and was so referred.

Mr. Ells, from the Committee on Preamble and Bill of Rights, made the following

## REPORT.

The committee to whom was referred the Preamble and Bill of Rights have had the same under consideration and have unanimously agreed to the following amendments, and have instructed their Chairman to report the same to the Convention and recommend their adoption :

Add to Sec. 2 as follows :

“And no privileges or immunities shall ever be granted that may not be altered, revoked or repealed by the General Assembly.”

Add to Sec. 9 as follows :

“But no person shall be deprived of life, liberty or property without due process of law.”

Substitute for Sec. 10 as follows :

“In all criminal prosecutions the accused shall have a right to a speedy trial before an impartial jury of the county or district in which the offense is alleged to have been committed ; to demand the nature and cause of the accusation against him ; to be confronted by the witnesses against him ; to have compulsory process for his own witnesses and to have the assistance of counsel.”

Add to Sec. 11 the following :

“Nor shall any person be compelled in any criminal prosecution to be a witness against himself.”

Add to Sec. 18 as follows :

“Private roads may be opened in the manner prescribed by law, but in every case the necessity of the road and the amount of damages sustained by the opening thereof, shall first be determined by a jury of disinterested freeholders and such amount, together with the expenses of

the proceedings, shall be paid by the person or persons benefitted thereby before said road shall be opened."

The committee have also had under consideration the resolution offered by Mr. Solomon and after duly considering the same have unanimously agreed that it is inexpedient to recommend the incorporation of said proposition in the Bill of Rights,

All of which is respectfully submitted.

GEO. W. ELLS,  
*Chairman.*

Which report was read, ordered to be laid on the table, and one hundred copies thereof to be printed for the use of the Convention.

Mr. Clark, of Alamakee, offered a Resolution of Inquiry, relative to the organization of the Courts of the State, and moved its reference to the Committee on Judicial Department :

Which, having been read, and the question being on the adoption of the same,

Mr. Wilson moved to amend as follows: "provided said resolution be not entered at length on the Journal ;"

Mr. Hall moved that the resolution be laid on the table :

Which was agreed to.

The consideration of the report of the Committee, to employ a Reporter and report a plan for the publication of the Debates and Proceedings, which was laid on the table until to-day at 11 o'clock, was again resumed.

The question being upon the motion of Mr. Traer, to fill the blank in the first section of said report by inserting the words "fifteen hundred ;"

Mr. Clarke, of Johnson, moved to insert in said blank the words "two thousand ;"

Upon this question the yeas and nays were demanded and it was decided in the negative, as follows :

#### YEAS.

Messrs. Ayers,  
Clarke, of Johnson,  
Cotton,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gower,

Messrs. Hall,  
Harris,  
Johnston,  
Marvin,  
Palmer,  
Peters,  
Price,  
Solomon—16.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clark, of Alamakee,  
Gibson,  
Gillaspy,  
Gray,  
Hollingsworth,  
Parvin,  
Patterson,  
Robinson,

Messrs. Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer(P)20.

The motion of Mr. Traer to insert in said blank the words "fifteen hundred" was then agreed to.

Mr. Harris moved to fill the blank in the seventh section of said report by inserting the words "twenty-six ;"

Upon this question, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clark, of Alamakee,  
Gibson,  
Harris,

Messrs. Palmer,  
Robinson,  
Solomon—6.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Cotton,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Johnston,

Messrs. Marvin,  
Parvin,  
Patterson,  
Peters,  
Price,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P.) 30.

Mr. Palmer moved to fill the blank in said section, by inserting the words "twenty-four ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Clark, of Alamahee,  
Gibson,  
Harris,

Messrs. Marvin,  
Palmer,  
Robinson,  
Solomon—8.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Cotton,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Johnston,

Messrs. Parvin,  
Patterson,  
Peters,  
Price,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P.) 28.

Mr. Hall moved to fill said blank with the word "five ;"

Mr. Clark, of Alamahee, moved to amend said motion, as follows :

*Provided*, That any member shall be entitled to receive any number of said slips not to exceed ten by relinquishing an equal number of newspapers which he is now entitled to receive by the rules of this Convention ;

Mr. Gibson moved to fill said blank by inserting the word "fifteen ;"

Mr. Traer moved the Previous Question : and,

Upon the question,

Shall the main question now be put ?

It was agreed to, a majority of the members present voting therefor.

The question now being upon the motion of Mr. Gibson to fill said blank with the word "fifteen,"

Said motion was disagreed to.

Upon the question of agreeing to the amendment proposed by Mr. Clark, of Alamahee,

Said amendment was disagreed to.

Upon the question of filling said black with the word "five,"

It was disagreed to.

It was then moved that said blank be filled with the word "two ;"  
 Which motion was agreed to ; and,  
 On motion of Mr. Parvin,  
 The report, as amended, was adopted.

Mr. Gillaspy moved that Mr. Johnston be added to the Standing Committee on Militia ;

Which motion was agreed to.

The President then announced the following, as the Special Committee on Basis of Representation, *viz*: Messrs. Traer, Solomon, Seely, Winchester, Wilson, Hollingsworth and Harris.

Mr. Harris offered the following resolution :

*Resolved*, That each member of this Convention be allowed fifteen daily newspapers in addition to those already taken ;

Mr. Clark, of Alamakee, moved to amend said resolution, by substituting slips in lieu of newspapers should the members desire to do so ;  
 Which amendment was not agreed to.

Mr. Harris moved the Previous Question ; and,

Upon the question,

Shall the main question now be put ?

It was agreed to, a majority of the members present voting therefor.

Upon the question of adopting the resolution, the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Clarke, of Johnson,  
 Cotton,  
 Edwards,  
 Ells,  
 Gibson,  
 Gillaspy,  
 Hall,  
 Harris,

Messrs. Johnston,  
 Marvin,  
 Palmer,  
 Patterson,  
 Peters,  
 Robinson,  
 Solomon,  
 Winchester—16.

#### NAYS.

Messrs. Ayers,  
 Bunker,  
 Clarke, of Henry,  
 Clark, of Alamakee,  
 Day,

Messrs. Parvin,  
 Scott,  
 Seely,  
 Skiff,  
 Todhunter,

Messrs. Emerson,  
Gower,  
Gray,  
Hollingsworth,  
Springer, (Prest.,)—19.

Messrs. Traer,  
Warren,  
Wilson,  
Young,

Mr. Todhunter, from the Committee on Executive Department, made the following

## REPORT.

MR. PRESIDENT :—

Your Committee to whom was referred that portion of the Constitution of the State of Iowa regulating the Executive Department thereof, have had the same under consideration, and beg leave to make the following Report, and recommend that the same be adopted :—

LEWIS TODHUNTER,  
*Chairman of Committee.*

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa.

SEC. 2. The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office \_\_\_\_\_ years from the time of his installation, and until his successor shall be qualified.

SEC. 3. There shall be a Lieutenant Governor, who shall hold his office \_\_\_\_\_ years, and be elected at the same time of the Governor. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

SEC. 4. The person respectively having the highest number of votes for Governor and Lieutenant Governor, shall be declared duly elected ; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant Governor, as the case may be.

SEC. 5. Contested elections for Governor or Lieutenant Governor shall be determined by the General Assembly in such manner as may be prescribed by law.

SEC. 6. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have been a citizen of the United States, and a resident of the State two years next preceding the election, and attained the age of thirty years at the time of said election.

SEC. 7. The Governor shall be commander-in-chief of the militia, the army, and navy of this State.

SEC. 8. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 9. He shall take care that the laws are faithfully executed.

SEC. 10. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

SEC. 11. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened; and when so convened, they shall have no power to legislate upon any subject save that suggested in the Message of the Governor.

SEC. 12. He shall communicate, by message, to the General Assembly, at every regular session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 13. In case of disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper, *Provided*, it be not beyond the time fixed for the regular meeting of the next General Assembly.

SEC. 14. No person shall, while holding any office under the authority of the United States, or this State, execute the office of Governor or Lieutenant Governor, except as hereinafter expressly provided.

SEC. 15. The official term of the Governor and Lieutenant Governor shall commence on the \_\_\_\_\_ of \_\_\_\_\_, and on the same day every \_\_\_\_\_ year thereafter.

SEC. 16. He shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execu-

tion of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly at its next meeting each case of reprieve, commutation or pardon granted; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

SEC. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

SEC. 18. The Lieutenant Governor shall be President of the Senate, but shall only vote when the Senate is equally divided: and in case of his absence, or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a President *pro tempore*.

SEC. 19. If the Lieutenant Governor, while acting as Governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the President *pro tempore* of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

SEC. 20. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

SEC. 21. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the Great Seal of this State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 22. A Secretary of State, Auditor of Public Accounts, Treasurer of State, Superintendent of Public Instruction, and Attorney General shall be elected by the qualified electors, who shall continue in office two years. The Secretary of State shall keep a fair register of all the official acts of the Governor, and shall, when required, lay the same, together with all papers, minutes, and vouchers relative thereto, before either branch of the General Assembly, and shall perform such other duties as shall be assigned him by law.

SEC. 23. Every bill which shall have passed the General Assembly

shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections, to the House in which it shall have originated, which House shall enter the objections at large upon its Journals, and proceed to reconsider the bill. If, after such consideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered; and if it shall be approved by a majority of all the members elected to that House, it shall be a law. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within ten days next after such adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the General Assembly at its next session, in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly.

The reading of said report was dispensed with, and,

On motion. the same was ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Marvin, from the Committee on Education and School Lands made the following

## REPORT.

Your Committee to whom was referred the subject of Education and School Lands, have had the same under consideration, and after careful investigation, and mature deliberation, the majority beg leave to report the following:

SECTION 1. The Educational interests of the State to include Common Schools and other Educational Institutions, shall be under the management and control of a Board of Education, which shall consist of sixteen members.

SEC. 2. No person shall be eligible as a member of said Board who shall not have attained the age of twenty-five years, and been two years a citizen of the State.

SEC. 3. The General Assembly shall district the State into sixteen Educational Districts, and one member of said Educational Board shall be chosen by the qualified electors of each district, and shall hold their offices for the term of four years, and after the first election under this Constitution, the Board shall be divided by lot into two equal classes,

and the seats of the first class shall be vacated after the expiration of two years, and one-half of the Board shall be chosen every two years thereafter.

SEC. 4. The first session of the Board of Education shall be held at the seat of Government, after which, said Board may fix the time and place of meeting.

SEC. 5. The session of said Board shall be limited to twenty days, and but one session shall be held in one year, except upon extraordinary occasions, when, upon the recommendation of two-thirds of the Board, the Governor may order a special session.

SEC. 6. The Board of Education shall organize by appointing from their body a presiding officer, and the appointment of a Secretary and other inferior officers usual in Legislative Assemblies. They shall keep and publish a journal of their proceedings, which shall be distributed in the same manner as the journals of the General Assembly.

SEC. 7. All rules and regulations made by said Board, shall be published and distributed to the several Counties, Townships, and such School Districts as may be provided for by said Board, and when so passed, published, and distributed, they shall have the force and effect of law.

SEC. 8. Said Board shall have full power and authority to Legislate and make all needful rules and regulations in relation to Common Schools and other institutions of learning that are instituted to receive aid from the School or University funds of the State.

SEC. 9. Said Board may appoint a Chancellor, who shall have jurisdiction over all questions that may arise under the laws, rules and regulations of the Board, and from all decisions and judgments of said Chancellor, an appeal may be taken to the Supreme Court.

SEC. 10. The Board of Education shall provide a system of Common Schools, by which a School shall be organized and kept in each District at least three months in each year. Districts failing to organize and keep up a School, may be deprived of their portion of the School Fund.

SEC. 11. The Board of Education shall establish one University, which shall be located at some central point in the State, *Provided*, that until such time as such location may be made, and suitable buildings erected, said University shall continue as at present located.

SEC. 12. The University lands, and the proceeds thereof, and all moneys belonging to said fund, shall be a permanent fund for the sole use of said University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.

SEC. 13. The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of Schools, which shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved A. D. 1841, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress, on the sale of lands in this State, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of Common Schools throughout the State.

SEC. 14. The money which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid, or fine collected, among the several School Districts of said counties, in proportion to the number of youths subject to enumeration in such districts, to the support of Common Schools, or the establishment of Libraries, as the Board of Education shall, from time to time, provide.

SEC. 15. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved, or granted by the United States, or any person or persons, to this State, for the use of a University, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said University, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

SEC. 16. The financial agents of the school funds shall be the same, that by law receive and control the State and County revenue, for other civil purposes.

SEC. 17. The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of unmarried youths, between the ages of five and twenty-one years.

SEC. 18. The Board of Education shall each receive the same per diem and mileage as the compensation as members of the General Assembly.

SEC. 19. A majority of the Board of Education shall constitute a quorum for the transaction of business, *Provided*, no rule, or regulation, or law, for the regulation and government of the school system, shall pass without the sanction of the majority of all the members of the Board, which shall be expressed by the yeas and nays, on the final passage.

A. H. MARVIN,  
*Chairman.*

The reading of said report was dispensed with, and,

On motion, the same was ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Skiff moved that the Convention adjourn until to-morrow morning at 10 o'clock;

Which motion was agreed to, and the Convention then adjourned.

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## THURSDAY MORNING, JANUARY 29, 1857.

At ten o'clock A. M. the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Ells, from the Committee on Education and School Lands, presented the following minority

### REPORT.

The majority of the Committee to whom was referred the subject of Education and School Lands, having agreed to report in favor of a Board of Education, elected by districts, and clothed with exclusive legislative powers in all cases involving Common Schools, Colleges, and

Universities; also, in favor of a Chancellor's Court empowered to determine all questions arising out of the action of said Board, or in any way connected therewith—the undersigned, being unable to agree with said majority in their reasonings and conclusions, asks leave to make a counter report. Without attempting to discuss the *details* of said system of educational government embraced in said report, the undersigned would briefly state that he objects to the proposed amendments to the Constitution:—1st. Because they assume to do that which properly belongs to the legislative department of the State; 2d. Because said Board of Education are clothed with powers dangerous, as *precedents*, to the liberties of a free and enlightened people; 3d. Because the system therein proposed could not be altered or amended without an amendment to the Constitution of the State. For these and other obvious reasons, the undersigned disagrees with the majority of said committee, and respectfully submits for the consideration of the Convention, the following, as Article 10, of the Constitution:

#### ARTICLE X.—*Education and School Lands.*

SECTION 1. The General Assembly shall provide for the election or appointment of a Board of Education, to be composed of twelve persons, who shall be the Trustees of the University, and shall have the general charge and control of education in the State. They shall have power to appoint a Secretary of the Board, who shall be their executive agent, and perform such duties as may be imposed upon him by the Board of Education or the laws of the State.

SEC. 2. Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral intellectual, scientific, and agricultural improvements, and to provide by law for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, for the support of schools, which shall hereafter be sold or disposed of, and the five thousand acres of land granted to the new States, under an act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. 1841, and all estates of deceased persons, who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of Common Schools throughout the State.

SEC. 3. The money which shall be paid by persons as an equiva-

lent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid or fine collected, among the several school districts of said counties, in the proportion to the number of inhabitants in such districts, to the support of Common Schools, or the establishment of libraries, as the General Assembly shall, from time to time, provide by law.

SEC. 4. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

All of which is respectfully submitted.

GEO. W. ELLS.

The reading of said report was dispensed with, and,

On motion, the same was ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Wilson presented the petition of Jesse Lloyd and thirty-six others, citizens of Penn Township, State of Iowa, praying that the time of the meeting of the Legislature may be changed from the first Monday in December to the first Monday in January, and that the time of holding the elections be changed from the first Monday in August to the first Monday in October;

Which was read, and,

On motion, was referred to the Committee on Distribution of Powers and Legislative Department.

Mr. Gibson, from the Committee on Amendments to the Constitution, presented the following minority

## REPORT.

The committee on Amendments to the Constitution have had the same under consideration and the undersigned beg leave to make the following minority report:

That in our opinion it is inexpedient to submit the matter of amendment of the Constitution to the people once in ten years unless the people so require through their Legislature; and, we therefore submit the following to be substituted in place of Sec. 2, in the majority report:

If at any time the General Assembly shall think it necessary to revise or amend this Constitution, they shall provide by law for a vote at the next ensuing election for members of the General Assembly; in case a majority of the people vote in favor of a Convention, said General Assembly shall provide for an election of delegates to a Convention to be held within twelve months after the vote of the people in favor thereof.

H. D. GIBSON,  
TIMOTHY DAY.

Which was read, ordered to lie on the table and that one hundred copies thereof be printed for the use of the Convention.

Mr. Clarke, of Henry, offered the following resolution, and moved its reference to the Committee on Preamble and Bill of Rights:

*Resolved*, That the Committee on Bill of Rights be requested to report the following sections or their equivalent:

1. That all elections ought to be free, and that all men having sufficient evidence of permanent interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented for the public good.

2. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services rendered by him; and in the same manner, no sect, class or party of men, shall as such sect, class or party be cut off or debarred from the enjoyment of all political and legal rights and privileges to which the citizens of the State are entitled;

Which was adopted, and the Resolution was so referred.

Mr. Clarke, of Henry offered the following, and moved its reference to the Committee on Judicial Department:

*Resolved*, That the Committee on Judiciary be requested to report in favor of electing all Judicial officers by the people;

Of dividing the State into four Judicial Districts;

Of a Supreme Court of four Judges, one from each Judicial District;

Of four Circuit Judges to hold Circuit Courts in each District, any one to preside;

That the Circuit Judges sit in Bank and constitute a District Court, having appellate jurisdiction from the Circuits ;

That no Circuit Judge shall vote upon an appeal taken from his own decisions ;

That the General Assembly may provide by law for one of the Supreme Court Judges presiding in certain cases in the District Court ; or for the District Judge of one District, sitting in certain cases on the bench in another District ;

That appeal shall be from District to Supreme Court ;

That under certain circumstances provided by law appeal may be directly from Circuit Court to Supreme Court ;

Which was adopted, and the resolution was so referred.

On motion,

The Resolution of Inquiry offered yesterday by Mr. Clarke, of Alameda, and which was laid upon the table, was taken up, as follows :

*Resolved*, That the Committee on Art. 5 of the Constitution be instructed to take into consideration and report upon the propriety of so amending the same, that the following provisions, or their equivalent, shall be incorporated therein, viz :

1. There shall be a Court of Appeals composed of five Judges, having appellate jurisdiction. Said Judges shall be elected by the electors of the State at large, and shall be so classified, that one of said Judges shall go out of office in one year, one in two years, one in three years, one in four years, and one in five years from the time of their election, after which several times the said Judges shall hold their office for five years respectively and until their successors are elected and qualified. Provision shall be made by law for designating one of said Judges as Chief Justice thereof : said Judges, one of whom shall be the Chief Justice, so designated, shall be necessary to form a quorum to perform the business of said Court.

2. There shall be a Supreme Court, having general jurisdiction in law and equity.

3. The State shall be divided into three Judicial Districts, to be bounded by county lines and to be compact and equal in population as nearly as may be. There shall be four Justices of the Superior Court in each District. They shall be classified so that one of their number in each District shall go out of office at the end of one year, one in two years, one in three years, and one in four years, after the end of their term under such classification, the term of their office shall be five years.

4. The Legislature shall have the same powers to alter and regulate the jurisdiction and proceedings in law and equity as they have heretofore possessed.

5. Provision may be made by law for designating, from time to time, one of the said Justices, who is not a Judge of the Court of Appeals to preside at the general terms of the said Court to be held in the several Districts. Any three or more of said Justices, of whom one of said Justices so designated shall be one, may hold such general terms. And any one or more of said Justices may hold special terms, and be required to hold the Circuit Courts in their respective districts.

6. The Judges of the Court of Appeals and Justices of the Supreme Court shall severally receive at stated times, for their services, a compensation to be established by law, which shall not be increased or diminished during their continuance in office.

7. They shall not hold any other office or public trust. All votes for either of them for any elective office shall be void. They shall not exercise any power of appointment to public office. Any male citizen of the age of twenty-one years, of good moral character and who possesses the requisite qualifications of learning and ability, shall be entitled to admission to practice in all the courts of this State.

8. The classification of the Justices of the Supreme Court, the times and places of holding the terms of the Court of Appeals and of the general and special terms of the Supreme Court, and also the times and places of holding the Circuit Courts, within the several districts, shall be provided for by law.

9. The testimony in equity causes shall be taken in like manner as in causes at law.

10. The Judges of the Supreme Court shall be elected by the electors of the several Judicial Districts and the Judges of the Court of Appeals by the electors of the State at large at such times as may be prescribed by law.

11. The General Assembly may reorganize the Judicial Districts as the necessities of the people may require.

12. The Legislature shall establish such other Inferior Courts as may be deemed necessary.

By general consent, the amendment to the motion to adopt said resolution, relative to having it not entered at length on the Journal, was withdrawn by the mover, and

The Resolution was then adopted, and referred to the Committee on Judicial Department.

Mr. Gray offered the following resolutions :

1. *Resolved*, That when this Convention adjourns for the day, it will adjourn to meet during the remainder of the session in the Senate Chamber of this Capitol.

2. *Resolved*, That when the Convention removes from this room to the Senate Chamber, each member shall be assigned the seat and desk occupied by the Senator from his respective district, unless an exchange may be made by agreement with another member.

Mr. Harris moved to amend by striking out of the second resolution the words "the seat and desk occupied by the Senator from his respective district unless" and inserting in lieu thereof, the words "his seat by lot, and that ;"

Which motion was agreed to, and the resolutions, as amended, were adopted.

Mr. Skiff offered the following :

*Resolved*, That we proceed now to draw lots for our seats in the Senate Chamber ;

Mr. Clarke, of Johnson, moved to amend said resolution by adding thereto the following :

"And that Messrs. Todhunter and Harris be a committee to number the seats in Senate Chamber, and that each member be entitled to the seat, the number of which he may draw."

Mr. Clarke, of Henry, offered the following, as a substitute :

*Resolved*, That the Secretary prepare thirty-five slips of paper numbered from one to thirty-five inclusive and that members draw and have choice of seats according to their numbers—number one having first choice, &c.

Which was not agreed to.

The amendment offered by Mr. Clarke, of Johnson, was then agreed to, and

The resolution, as amended, was adopted.

Mr. Parvin, from the Committee on Distribution of Powers and Legislative Department, made the following

## REPORT.

The Committee on the Distribution of Powers, and the Legislative Department, have instructed me to make the following report :

1. The legislative authority of this State shall be vested in a Senate and House of Representatives, which shall be designated the General Assembly of the State of Iowa; and the style of their laws shall commence in the following manner: "Be it enacted by the General Assembly of the State of Iowa."

2. The sessions of the General Assembly shall be biennial, and shall commence on the second Monday of January next ensuing the election of its members; unless the Governor of the State shall, in the interim, convene the General Assembly by proclamation.

3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the second Tuesday in October, except the years of the Presidential election, when the election shall be on the Tuesday next after the first Monday in November; whose term of office shall continue two years from the Tuesday next after the first Monday in November.

4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years; be a free white male citizen of the United States, and have been an inhabitant of this State one year next preceding his election; and at the time of his election have an actual residence of thirty days in the county or district he may be chosen to represent.

5. Senators shall be chosen for the term of four years, at the same time and place as Representatives; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.

6. The number of Senators shall not be less than one-third, nor more than one-half the Representative body. The present Senators shall remain in office during the term for which they were elected, and shall be divided into two classes. Those Senators whose term of office expires on the first Monday in August, 1858, shall be one class, and those Senators whose term of office expires on the first Monday in August, 1860, shall be the other class; so that one-half shall be chosen every two years.

7. When the number of Senators is increased, they shall be annexed by lot to one of the two classes, so as to keep them as nearly equal in number as practicable.

8. Each House shall choose its own officers, and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

9. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may

compel the attendance of absent members in such manner and under such penalties as each House may provide.

10. Each House shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the General Assembly of a free and independent State.

• 11. Every member of the General Assembly shall have the liberty to dissent from, or protest against, any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either House, on any question, shall, at the desire of any two members present, be entered on the journals.

12. Senators and Representatives, in all cases, except treason, felony or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

13. When vacancies occur in either House, the Governor, or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies.

14. The doors of each House shall be open, except on such occasion as, in the opinion of the House, may require secrecy.

15. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

16. Bills may originate in either House, and may be amended, altered, or rejected by the other; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

17. Every bill which shall have passed the General Assembly, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it originated, which shall enter the same upon the journal and proceed to reconsider it, if, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two-thirds of the members of each House present, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, Sundays excepted, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent such return.

18. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

19. An accurate statement of the receipts and expenditures of the public money, shall be attached to and published with the laws, at every regular session of the General Assembly.

20. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

21. The Governor, Secretary of State, Auditor, Treasurer, Judges of the Supreme and District Courts, Superintendent of Public Instruction, and Attorney General, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit, under this State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors in office, in such manner as the General Assembly may provide.

22. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

23. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to the General Assembly: *Provided*, that offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmasters whose compensation does not exceed one hundred dollars per annum, or notary public, shall be deemed lucrative.

24. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either House of the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

25. No money shall be drawn from the treasury but in consequence of appropriations made by law.

26. Each member of the General Assembly shall receive a compensation to be fixed by law, for his services, to be paid out of the treasury

of the State. Such compensation shall not exceed three dollars per day for the period of sixty days from the commencement of the session, and shall not exceed the sum of two dollars per day for the remainder of the session ; when convened in extra session by the Governor, they shall receive such sums per diem as shall be fixed for the first sixty days of the ordinary session. They shall also receive three dollars for every twenty miles they travel, in going to and returning from their place of meeting, on the nearest traveled route.

27. No law of the General Assembly, of a public nature, shall take effect until the fourth day of July next after the passage thereof. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State.

28. No divorce shall be granted by the General Assembly.

29. No lottery shall be authorized by this State ; nor shall the sale of lottery tickets be allowed.

30. Every act shall embrace but one subject, and matters properly connected therewith ; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

31. The General Assembly shall not pass local or special laws in the following cases :

For the assessment and collection of taxes for State, county or road purposes ;

For laying out, opening and working on roads or highways ;

For changing the names of persons ;

For the incorporation of cities or towns ;

For vacating roads, town plats, streets, alleys, or public squares ;

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.

32. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into ; nor, shall any money be paid on any claim the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local, or private purposes, unless such appropriation, compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

33. Members of the General Assembly shall, before they enter upon

the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator; (or Representative, as the case may be,) according to the best of my ability." And members of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

34. The General Assembly shall, in the years 1856, 1862, 1864, 1866, 1868, and 1875, and every ten years thereafter, cause an enumeration to be made, of all the white inhabitants of the State.

35. The number of Senators and Representatives shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties, according to the number of white inhabitants in each.

36. The Senate shall not consist of more than fifty members, nor the House of Representatives of more than one hundred.

37. When a Congressional, Senatorial, or Representative District shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a Congressional, Senatorial or Representative district.

38. In all elections by the General Assembly, the members thereof shall vote *viva voce*; and the votes shall be entered on the journal.

39. The annual salary of the Governor shall not exceed twenty-five hundred dollars; Secretary, Treasurer, and Auditor of State, fifteen hundred dollars each; Judges of the Supreme Court, twenty-five hundred dollars each; Judges of the District two thousand dollars each.

Respectfully submitted.

J. A. PARVIN,  
*Chairman.*

The reading of said report was dispensed with, and,

On motion, the same was ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Clarke, of Henry, moved to take up the resolution offered by him yesterday, relative to entering resolutions, reports, &c., at length upon the Journal, and which, under the rule of the Convention, was laid over for one day before being acted upon;

Which motion was agreed to.

Mr. Hall moved a substitute for said resolution, as follows :

*Resolved*, That resolutions offered merely for reference to the Standing Committees shall not be entered at large upon the Journal, unless special instructions are given by the Committee or the Convention to that effect :

Mr. Edwards moved to indefinitely postpone the consideration of said resolution ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,

Messrs. Gower,  
Gray,  
Marvin,  
Parvin,  
Scott,  
Seely,  
Skiff,  
Traer,  
Wilson,  
Young,

Springer (Prest.)—21.

## NAYS.

Messrs. Cotton,  
Gillaspy,  
Johnston,  
Hall,  
Palmer,

Messrs. Patterson,  
Peters,  
Robinson,  
Solomon,  
Warren,

Winchester—11.

Mr. Hall moved to take up the resolution offered by him on Tuesday last, and which, under the rule of the Convention, was laid over one day before being acted upon, as follows :

*Resolved*, That after this day, resolutions shall not be in order, offered for the purpose of reference to the Standing Committees, instructing them to inquire as to the propriety of adopting indicated propositions ;

Which was agreed to.

Mr. Ells moved to amend said resolution, by inserting between the words "Committees" and "instructing" the words "who have reported ;"

Which amendment was accepted by the mover.

Mr. Traer moved to indefinitely postpone said resolution :

Upon this question the yeas and nays were demanded, and it was decided in the negative as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,

Wilson—9.

Messrs. Gower,  
Harris,  
Johnston,  
Traer,

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Cotton,  
Day,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Marvin,  
Palmer,  
Patterson,

Messrs. Peters,  
Parvin,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Winchester,  
Young,  
Springer, (P.) 26.

The resolution was then adopted.

The Committee to whom the duty was assigned of numbering the seats in the Senate Chamber, having returned, the Convention proceeded to draw lots for said seats respectively :

Which, having been concluded,

Mr. Johnson asked leave of absence for Mr. Cotton from the sittings of the Convention ;

Which was unanimously granted.

On motion of Mr. Clarke, of Johnson,

The Convention adjourned until ten o'clock to-morrow morning.

## FRIDAY MORNING, JANUARY 30, 1857.

At ten o'clock, A. M., the Convention came to order in the Senate Chamber, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Clarke, of Johnson, gave notice that to-morrow or on some future day he would move to amend the Rules by adding the following:

"All reports of Standing Committees shall be read three times on as many different days, unless the rule be suspended by unanimous consent; but no report shall be read the third time and finally passed, until all the reports of the Committees shall have passed their second reading."

Mr. Gower offered the following and moved its reference to the Committee on Miscellaneous Matter:

*Resolved*, That the Committee on Miscellaneous subjects be instructed to inquire into the expediency of providing for the permanent location of the seat of Government, the State University and the Deaf and Dumb and Blind Asylums;

Which was adopted, and the resolution was so referred.

Mr. Edwards moved to take up from the table the Report of the Committee on Preamble and Bill of Rights;

Which was agreed to.

Mr. Edwards then moved that it be made the special order for consideration in Committee of the Whole, this afternoon at 2 o'clock;

Which was also agreed to.

Mr. Palmer offered the following:

*Resolved*, That the Secretary of State be requested to furnish each member of this Convention with a copy of the reports of the Supreme Court of this State;

Mr. Edwards moved to amend so as to read "Clarke's Reports:"

Mr. Palmer moved to amend the amendment so as to read "Clarke's and Green's Reports;"

Mr. Winchester moved that the resolution be laid on the table ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Day,  
Gillaspy,  
Hollingsworth,  
Johnston,  
Parvin,

Messrs. Patterson,  
Seely,  
Skiff,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer (P.) 17.

## NAYS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gower,  
Gray,

Messrs. Hall,  
Harris,  
Marvin,  
Palmer,  
Peters,  
Robinson,  
Scott,  
Solomon,

Todhunter—17.

The motions of Mr. Palmer and Mr. Edwards were then respectively disagreed to ; and

The question being upon the adoption of the resolution as originally offered, the yeas and nays were demanded, and

It was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Ells,  
Emerson,  
Gibson,  
Gower,  
Gray,  
Hall,

Messrs. Harris,  
Marvin,  
Palmer,  
Peters,  
Robinson,  
Scott,  
Solomon,  
Todhunter,  
Warren—18.

## NAYS.

Messrs. Bunker,  
Day,  
Edwards,  
Gillaspy,  
Hollingsworth,  
Johnston,  
Parvin,

Messrs. Patterson,  
Seely,  
Skiff,  
Traer,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,)—15.

Mr. Clarke, of Johnson, upon his request, was excused from voting.

Mr. Traer offered the following:

*Resolved*, That the Secretary of State be instructed to lay before this Convention a statement containing the amount of indebtedness of the several counties, contracted for railroad purposes;

Which resolution was adopted.

Mr. Hall offered the following:

*Resolved*, That this Convention will act upon the reports of the committees in the order in which the Standing Committees were appointed;

Which resolution was adopted.

Mr. Hall offered the following:

*Resolved*, That Willis Conard be employed as paper folder to this Convention;

Which resolution was adopted.

Mr. Robinson offered the following:

*Resolved*, That Mr. Peters be added to the Committee on Preamble and Bill of Rights: and that he be also added to the Committee on Schedule;

Mr. Clarke, of Henry, moved that the resolution be laid on the table;

Which motion was disagreed to.

The resolution was then adopted.

Mr. Harris gave notice that to-morrow or on some future day, he would introduce the following resolution:

*Resolved*, That in addition to the number of Standing Committees already appointed, there shall be another which shall be the thirteenth, on Charitable Institutions.

Mr. Clarke, of Henry, from the Committee on Incorporations, made the following

## REPORT.

The Committee on Incorporations having respectfully read and considered the several memorials and resolutions referred to them, together with Article 8 of the Constitution, would report said Article amended as follows, and recommend its adoption :

## ARTICLE VIII.

SECTION 1. No corporations shall be created by special laws, but the General Assembly shall provide by general laws for the organization of all corporations hereafter to be created, except as herein provided.

SEC. 2. Corporations may sue and be sued, and their property shall be liable to taxation in the same manner as natural persons ; and the liabilities, powers, privileges, and duties of stockholders in corporations may be fixed and defined by law, subject to the provisions hereof.

SEC. 3. The State shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war for the benefit of the State.

SEC. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly ; nor in any other corporation or corporations to an amount exceeding, at one time, two hundred thousand dollars ; nor shall the bonds or other evidences of indebtedness of any municipal or political corporation be issued or granted, or its credit loaned, directly or indirectly, or pledged as security, to an amount in the aggregate exceeding two hundred thousand dollars, at any one time.

SEC. 5. It shall be the duty of the General Assembly to provide by law for the restraint of municipal and political corporations in regard to assessments, taxations, borrowing money, contracting debts, issuing bonds, and loaning their credit, so as to prevent, as far as possible, unnecessary burdens and unjust taxation and frauds.

SEC. 6. Subject to the provisions hereof, the General Assembly may pass a general banking law, under which corporations may organize for banking purposes.

SEC. 7. If a general banking law is passed, it shall provide, amongst other things, for the registry and countersigning, by an officer of the State, of all bills, or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States stocks, or in interest-paying stocks of States in good credit and standing, to be rated at their average value in the city of New York, for the thirty days next preceding their deposit ; and also provide for the recording of the names of all stockholders.

in such corporations, the amount of stock held by each, the time of any transfer, and to whom.

SEC. 8. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities; and in all cases where its stock shall be transferred, the liability of the transferer shall not cease, nor shall the liability of the transferee commence until the expiration of six months after such transfer shall have been duly recorded as provided by law.

SEC. 9. The General Assembly may also charter a State Bank with branches, to be founded upon an actual specie basis.

SEC. 10. If such a State Bank be established, the branches shall be mutually responsible for each other's liabilities upon all paper credit issued as money, and the liabilities of stockholders shall be the same as those of banks organized under a general law—all of which shall be provided for by law.

SEC. 11. It shall be the duty of the General Assembly, in case of its passing either or both of the banking laws herein provided, to provide also such other restrictions, and fix such other liabilities, and adopt such other guards and checks as shall be conducive to prevent frauds on the part of banking institutions, its officers and directors, and to secure to the people of this State a safe and reliable currency.

SEC. 12. In case of the insolvency of any banking institution, the bill holders shall have a preference over its other creditors.

SEC. 13. The suspension of specie payments by banking institutions shall never be permitted and sanctioned.

SEC. 14. Every banking corporation or institution shall cease banking and close its business within twenty-five years from the time of its organization or creation.

SEC. 15. No bill, note, draft, check, or other evidence of debt shall be issued for circulation as money except by banking corporations or institutions duly organized or created by law.

SEC. 16. But no general banking law, nor law creating a State Bank, nor shall amendments thereto, nor acts in repeal thereof, take effect until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, and shall have been approved by a majority of all the voters voting for and against it.

SEC. 17. Subject to the provisions hereof, the General Assembly shall have power to amend or repeal all laws for the organization or cre-

ation of corporations, or granting of special privileges or immunities, by a vote of two-thirds of the House of Representatives, and also of the Senate ; and no exclusive privileges, except as in this article provided, shall ever be granted.

SEC. 18. No corporation shall hold any real estate hereafter acquired, for a period longer than twenty-five years, except such real estate as shall be actually occupied by such corporation in the actual exercise of its franchise, but the same shall escheat to the State for the benefit of the school fund.

SEC. 19. Private property shall not be taken by corporations for their use or benefit without compensating the owner for the actual damage resulting to him or her in the taking, and the manner thereof.

SEC. 20. The word corporation, as used in this article, may be construed to mean any individual, association, or company, having or enjoying rights and privileges through provisions of law not possessed by every individual or partnership.

R. L. B. CLARKE.

*Chairman.*

The reading of said report having been dispensed with, it was

*Ordered*, That the same be laid upon the table, and that one hundred copies thereof be printed for the use of the Convention.

On motion of Mr. Harris,

The Convention then adjourned.

## FRIDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

Mr. Harris moved to postpone the special order of the afternoon ;

Which motion was not agreed to.

The Convention then resolved itself into Committee of the Whole, Mr. Edwards in the Chair, upon the consideration of the Report of the Committee on Preamble and Bill of Rights ; and after some time spent therein, the Committee rose ;

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that progress had been made in the consideration of the subject before them; and the Committee asked and obtained leave to sit again.

Mr. Todhunter offered the following:

*Resolved*, That there shall be no smoking allowed in this Chamber during the sittings of this Convention, and that the Sergeant-at-Arms be requested to strictly enforce this resolution;

Which resolution was adopted.

On motion of Mr. Patterson,

The Convention then adjourned.

## SATURDAY MORNING, JANUARY 31, 1857.

At ten o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

The President presented the petition of James Harnil and thirty-three others, citizens of Louisa county, praying the incorporation of an article in the Constitution giving power to the Legislature to regulate the manufacture of, and traffic in, spirituous liquors, and to confiscate all such articles, manufactured or sold, in violation of its Acts;

Which was read, and,

On motion, was referred to the Committee on Preamble and Bill of Rights.

Mr. Clarke, of Henry, presented the petition of James Wright and fifty-five others, citizens of Iowa, praying that the Constitution of the State may be so amended that no person shall be disfranchised on account of color;

Which was read, and,

On motion, was referred to the committee on the Right of Suffrage.

Mr. Clarke, of Johnson, from the majority of the committee on Judicial Department, made the following

## REPORT.

### ARTICLE —.

SECTION 1. The Judicial power of this State shall be vested in a Supreme Court, Superior Courts, District Courts, and such inferior Courts as the General Assembly may, from time to time, establish.

SEC. 2. The State shall be divided into four judicial districts, to be bounded by county lines, and as compact and equal in population and territory as nearly as may be; in each of which districts, at the first general election under the Constitution, one Supreme Judge and three District Judges, who shall be residents of their respective districts, shall be elected by the people. The Supreme and District Judges so elected, shall be classified so that one Judge of the Supreme Court, and one of the District Judges in each district, shall go out of office every two years. The Judge of the Supreme Court holding the shortest term of office under such classification, shall be Chief Justice of the Court during his term, and so on in rotation. After the expiration of their terms of office under such classification, the term of each Judge of the Supreme Court shall be eight years, and the term of office of each District Judge six years, and until their successors are elected and qualified.

SEC. 3. The Supreme Court shall consist of the four Judges elected as required by the foregoing section, three of whom shall constitute a quorum. They shall hold their Court at such time and place as the General Assembly may prescribe, and shall be ineligible to any other office in the State during the term for which they were elected.

SEC. 4. The Supreme Court shall have appellate jurisdiction only in cases in chancery, and shall constitute a Court for the correction of errors at law, in all cases that may be appealed from the Superior Court, under such restrictions as the General Assembly may, by law, prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the State.

SEC. 5. The Superior Courts shall be held in each district at such time and place as the General Assembly may prescribe; shall consist of the Judges of the District Courts of that district, two of whom shall

constitute a quorum ; and the Judge holding the shortest term of office shall be the Chief Justice of the Court of his district, and so on in rotation.

SEC. 6. The Superior Courts shall have appellate jurisdiction only in all cases in chancery, and constitute a Court for the correction of errors at law within their respective districts, under such restrictions as the General Assembly may prescribe ; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals within their respective districts.

SEC. 7. The District Court shall consist of a single Judge, and the District Judges of each district shall hold Court in each county, alternately, at such time and place as the General Assembly may prescribe.

SEC. 8. The District Court shall be a Court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in all civil and criminal matters arising in their respective districts, under such restrictions as may be prescribed by law.

SEC. 9. The salary of each Judge of the Supreme Court shall not be less than two thousand five hundred dollars, nor more than five thousand dollars per annum. The salary of each Judge of the District Court shall not be less than two thousand, nor more than four thousand dollars per annum ; and the salary of no judge of either Court shall be increased or diminished during his term of office.

SEC. 10. The Judges of the Supreme and District Courts shall be conservators of the peace throughout the State.

SEC. 11. After the year 1860, the General Assembly may re-organize the judicial districts, and increase or diminish the number of districts, or the number of Judges of the Supreme or District Courts ; but such increase or diminution shall not be more than one district, or one Judge of either Court at a time ; and no re-organization of the districts, or diminution of the Judges shall have the effect of removing a Judge from office. Such re-organization of the districts, or increase or diminution of the Judges shall take place every five years thereafter, if necessary, and at no other time.

SEC. 12. The Supreme and Superior Courts shall have the power to appoint the necessary Clerk for each Court, and a Reporter of their decisions. The other officers of the Courts shall be provided for by law.

SEC. 13. The Judges of the Supreme and District Courts shall be chosen at the general election, and the term of office of each Judge shall commence on the first day of January next after their election.

SEC. 14. The General Assembly shall provide by law for the election of an Attorney General by the people, whose office shall be kept at the seat of government.

SEC. 15. The qualified electors of each county shall elect, at such times as may be prescribed by law, one Prosecuting Attorney, and one Clerk of the District Court, who shall be residents therein, and hold their several offices for the term of two years, and until their successors are elected and qualified.

SEC. 16. When any vacancy shall occur in the office of any Judge of the Supreme or District Courts, before the expiration of the regular term for which he was elected, the same shall be filled by appointment by the Governor, until it shall be supplied at the next general election, when it shall be filled by election for the residue of the unexpired term.

SEC. 17. The General Assembly may provide by law for the creation of a temporary Court for the trial of any Judge of either the Supreme or District Court, or any other State officer, who may be charged with incompetency or misconduct. If a Judge of the Supreme Court is a subject of the charge, four of the Judges of the District Court, selected from the respective districts, shall constitute a Court to investigate the charge. If the complaint is made against a Judge of the District Court, or any other officer of State, the Supreme Court shall have original jurisdiction of, and constitute a Court to investigate the same. The charge shall be made by petition, under oath, and the cause shall be tried by the Court.

SEC. 18. The style of all process shall be: "The State of Iowa;" and all prosecutions shall be conducted in the name and by the authority of the same.

W. PENN. CLARKE,  
*Chairman.*

I concur with the majority report, except that I favor the election of Supreme Court Justices by the people of the State at large. That I favor the subdivision of the districts into four circuits; and that in each district four Judges shall be elected—one from each circuit—three to form a quorum in the District Court. That a Prosecuting Attorney shall be elected in each circuit. That no judicial officer shall be tried for incompetency, unless presented by a majority of the General Assembly.

R. L. B. CLARKE.

The reading of said report was dispensed with, and,

On motion, the same was ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Clarke, of Johnson, from the committee on Judicial Department, made the following minority

## REPORT.

The minority of the Committee on the Judicial Department beg leave to make the following report :

### ARTICLE —.

SECTION 1. The Judicial power of this State shall be vested in a Supreme Court, District Courts, and such other Courts as the General Assembly may from time to time establish.

SEC. 2. The State shall be divided into four Judicial Districts, to be bounded by county lines, and as compact and equal in population and territory as nearly as may be, in each of which Districts, at the first general election under the Constitution, one Supreme Judge, and three District Judges, who shall be residents of their respective Districts, shall be elected by the people. The Supreme and District Judges so elected, shall be so classified that one Judge of the Supreme Court, and one of the District Judges in each District, shall go out of office every two years. The Judge of the Supreme Court holding the shortest term of office under such classification, shall be Chief Justice of the Court during his term, and so on in rotation. After the expiration of their terms of office under such classification, the term of each Judge of the Supreme Court, shall be eight years, and the term of office of each Judge of the District Court, six years, and until their successors are elected and qualified.

SEC. 3. The Supreme Court shall consist of the four Judges elected as required by the foregoing section, three of whom shall constitute a quorum, and they shall hold their Court at such time and place as the General Assembly may, by law, provide. The Judges of the Supreme Court shall be ineligible to any other office in the State, during the term for which they were elected ; and the Judges of the District Court shall be ineligible to any other office in the State, except that of Supreme Judge, during the term for which they were elected.

SEC. 4. The Supreme Court shall have appellate jurisdiction only in all cases in Chancery, and shall constitute a Court for the correction of errors at law, under such restrictions as the General Assembly may, by law, prescribe, and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the State.

SEC. 5. The District Court shall consist of a single Judge, and the District Judges of each District shall hold Court in each county of such

District, alternately, at such time and place as the General Assembly may, by law, provide.

SEC. 6. The District Court shall be a Court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in all civil and criminal cases, arising in their respective Districts, under such restrictions as may be prescribed by law.

SEC. 7. The Supreme Court shall have the power to appoint a Clerk and Reporter of its decisions. The other officers of the Court shall be provided for.

SEC. 8. The Judges of the Supreme and District Courts shall be conservators of peace throughout the State.

SEC. 9. The salary of each Judge of the Supreme Court shall not be less than three thousand dollars per annum, nor shall the salary of each Judge of the District Court be less than two thousand five hundred dollars per annum. After the year 1860, the General Assembly shall have the power to increase the salaries of the Judges of the Supreme and District Courts; but the salary of no judge of either Court shall be increased or diminished during his term of office.

SEC. 10. In case the office of any Judge of the Supreme or District Courts shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment, by the Governor, until it shall be supplied at the next general election, when it shall be filled by election, for the residue of the unexpired term.

SEC. 11. The Judges of the Supreme and District Courts shall be chosen at the general State election, and the term of office of each Judge shall commence on the first day of January next after their election.

SEC. 12. After the year 1860, the General Assembly may reorganize the Judicial Districts, and increase or diminish the number of Districts, or the number of Judges of the Supreme or District Courts, but such increase or diminution shall not be more than one District, or one Judge of either Court at a time, and no reorganization of the Districts, or diminution of the Judges, shall have the effect of removing a Judge from office. Such reorganization of the Districts, or increase or diminution of the Judges of either Court, shall take place every five years thereafter, if necessary, and at no other time.

SEC. 13. The General Assembly may provide, by law, for the creation of a temporary Court, for the trial of any Judge of either the Supreme or District Courts, or any officer of State, who may be charged with incompetency or misconduct. If a Judge of the Supreme Court is the

subject of the charge, four Judges of the District Court, selected from the respective Districts, shall constitute a Court to investigate the charge. If the complaint is against a Judge of the District Court, or an officer of State, the Supreme Court shall have original jurisdiction of, and constitute a Court to investigate the same. The complaint shall be made by petition, under oath, and the cause tried by the Court. In either case, the judgment of the Court shall not extend beyond deprivation of office, and ineligibility to hold any other office in the State, or either of them.

SEC. 14. The style of all process shall be, "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 15. The General Assembly shall provide, by law, for the election of an Attorney General by the people.

W. PENN CLARKE.

Mr. Wilson, of Jefferson, concurs in this Report, so far as it provides for the creation of two Courts, instead of three; but differs as to the mode of electing the Judges.

The reading of said report was dispensed with, and,

On motion, the same was ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Harris moved to take up the resolution offered by him yesterday, relative to the appointment of an additional Standing Committee;

Which was agreed to.

The question being on the adoption of said resolution,

The same was disagreed to.

Mr. Edwards offered the following:

*Resolved*, That hereafter, the hours of adjournment for this Convention shall be nine o'clock, A. M., and two o'clock, P. M., of each day, until otherwise ordered;

Which resolution was adopted.

Mr. Clarke, of Johnson, moved to take up the proposed amendment to the Rules of the Convention, offered by him yesterday, relative to the number of readings, &c., of the Reports of the respective Standing Committees;

Which was agreed to.

Said proposed amendment to the Rules having been read,

The same was adopted.

On motion of Mr. Warren,

The Convention resolved itself into Committee of the Whole, Mr. Edwards in the Chair, upon the consideration of the Report of the Committee on Preamble and Bill of Rights; and, after some time spent therein, the Committee rose; and

The Convention again came to order :

The Chairman of the Committee of the Whole reported that progress had been made in the consideration of the subject before them, and asked and obtained leave to sit again at two o'clock this afternoon.

Mr. Johnston offered the following :

*Resolved*, That the Committee on Miscellaneous Subjects be instructed to inquire into the expediency of amending Article 12, by striking out Section 2 ;

Which resolution was adopted.

On motion of Mr. Winchester,  
The Convention then adjourned.

## SATURDAY AFTERNOON.

At two o'clock, P. M., the Convention again met, and,

On motion,

Resolved itself into Committee of the Whole, Mr. Edwards in the Chair, upon the consideration of the Report of the Committee on Preamble and Bill of Rights; and, after some time spent therein, the Committee rose :

The Convention having come to order,

The Chairman of the Committee of the Whole stated that said Committee having concluded the consideration of the Report of the Committee on Preamble and Bill of Rights, he was instructed to report the same back to the Convention, with sundry amendments ;

Which report was received and the Committee discharged.

Mr. Hall moved that said report be laid upon the table and made the special order for Monday next, at ten o'clock, P. M.;

Which motion was agreed to.

Mr. Clarke, of Johnson, moved to reconsider the vote just taken ;  
Which was agreed to.

Mr. Palmer moved to strike out Sec. 11 of the Bill of Rights, as reported, and substitute the following :

All offences of a lower grade than felony and crimes of which the penalty is imprisonment for more than one month, shall be summarily tried before magistrates without indictment, or presentment, or the intervention of a Grand Jury ;

Mr. Clarke, of Johnson, moved that the proposed substitute, together with Sec. 11 and Sec. 13 of the Bill of Rights, as reported, be referred to the Committee on Judicial Department ;

Which was agreed to.

The motion of Mr. Hall was then renewed, and agreed to, and

The Convention then adjourned, till Monday morning at nine o'clock.

## MONDAY MORNING, FEBRUARY 2, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Rev. Mr. Page, of Oberlin, Ohio.

The Journal of Saturday's proceedings was read and approved.

Mr. Clarke, of Johnson, from the Committee on Judicial Department, to whom was referred certain sections of the Bill of Rights, together with a proposed amendment for one of said sections, made the following

## REPORT.

The Committee on the Judicial Department, to whom was referred sections 11 and 13 of the Bill of Rights, with the amendment proposed

by the gentleman from Davis, have had the subject under consideration and beg leave to report the following :

Strike out section 11 and insert the following :

“All offences less than felony, and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a Grand Jury, saving to the defendant the right of appeal : and no person shall be held to answer for any higher criminal offence, unless on presentment or indictment by a Grand Jury except in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger.”

Amend section 13, by inserting between the words “suspended” and “unless” the following :

“Nor shall it be refused when application is made as required by law.”

W. PENN CLARKE,  
*Chairman.*

Mr. Johnston moved that the report be laid upon the table without printing and that it be taken up with the special order at ten o'clock, A. M., and in connection therewith :

Which motion was agreed to.

The special order of the day was then taken up, being the Report of the Committee of the Whole upon the Report of the Committee on Preamble and Bill of Rights, the same being upon its second reading.

The Preamble having been read,

The amendment made in Committee of the Whole, by striking out the word “Territory” and inserting “State,” in the first line of the same,

Was agreed to.

Mr. Wilson moved to amend by adding to the clause defining the boundaries, the following :

“The boundaries of the State may be enlarged by consent of Congress and the State.”

Mr. Hall moved that the amendment be referred to the Committee on Miscellaneous Matter ;

Which motion was agreed to.

The Second section of the Bill of Rights being under consideration,  
as follows :

“All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right at all times to alter, or reform the same, whenever the public good may require it ;”

Mr. Ells moved to amend the same by adding thereto as follows :

“And no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed, by the General Assembly, by a vote of two-thirds of each house ;”

Pending the consideration of said amendment,

On motion of Mr. Warren,

The Convention then adjourned.

## MONDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The consideration of the Report of the Committee of the Whole upon the Preamble and Bill of Rights, was resumed, and

The question being upon the adoption of the amendment to the second section of the Bill of Rights, offered by Mr. Ells,

Mr. Emerson moved an amendment to the amendment as follows :

Strike out “by a vote of two-thirds of each house” and insert “except corporations for works of internal improvement ;”

Which motion was disagreed to.

Mr. Palmer moved to amend the amendment, by adding thereto the following ;

“But the State shall be liable in an action at law in any court of record in the State, or otherwise, for all damages which may be caused by any such alteration, revocation, or repeal, unless such privileges or immunities shall have been violated or abused by the persons or corporations to whom such privileges or immunities may have been granted ;”

Which motion was disagreed to.

Upon the question of agreeing to the amendment offered by Mr. Ells, the yeas and nays were demanded, with the following result :

## YEAS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamakee,  
 Day,  
 Ells,  
 Gray,  
 Harris,

Messrs. Marvin,  
 Parvin,  
 Robinson,  
 Scott,  
 Seely,  
 Wilson,  
 Springer (P.) 14.

## NAYS.

Messrs. Bunker,  
 Clarke, of Johnson,  
 Edwards,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gower,  
 Hall,  
 Johnston,

Messrs. Palmer,  
 Patterson,  
 Peters,  
 Price,  
 Skiff,  
 Solomon,  
 Todhunter,  
 Traer,  
 Warren,

Young—19.

So the amendment was not agreed to.

The Fourth Section of the Bill of Rights being under consideration, as follows :

“No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion ;”

Mr. Clarke, of Henry, moved to amend by striking out the words “and no person shall” near the commencement of the section, and inserting “nor shall any person ;” also, by adding to the end of the section as follows : “nor in consequence of his belonging to any particular sect, class or party of men ;”

Mr. Harris moved to amend the amendment by adding to the latter part of it, the words, “in consequence of being Negroes, Indians, knaves or fools ;”

Upon this question the yeas and nays were demanded, with following result :

## YEAS.

Mr. Harris—1.

## NAYS.

Messrs. Ayers,  
 Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Clark, of Alamahee,  
 Day,  
 Edwards,  
 Ells,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gower,  
 Gray,  
 Hall,  
 Johnston,  
 Marvin,

Messrs. Palmer,  
 Parvin,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Scott,  
 Seely,  
 Skiff,  
 Solomon,  
 Todhunter,  
 Traer,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,

Springer, (Prest.,)—33.

So the amendment to the amendment was not agreed to.

Pending the consideration of the amendment to said section.

On motion of Mr. Clarke, of Alamahee,

The Convention adjourned.

## TUESDAY MORNING, FEBRUARY 3, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Marvin offered the following resolution :

*Resolved*, That each member of this Convention be allowed eight additional numbers of the daily reports of this Convention ;

Which was adopted.

The President announced the following as the committee to revise the printing, &c., as provided for in the Report of the Committee on Reporter, &c., *viz*: Messrs. Clarke, of Johnson, Traer and Solomon.

The Convention then resumed the consideration of the Report of the Committee of the Whole upon the Preamble and Bill of Rights.

The question being upon the amendment to the fourth section of the Bill of Rights, offered yesterday by Mr. Clarke, of Henry,

The same gentleman moved to amend the amendment by adding thereto as follows :

“ But persons convicted of infamous crimes, shall be liable to such disabilities as the laws may provide ;”

Which was agreed to.

The question now being upon the amendment, as amended, the yeas and nays were demanded thereon, and

It was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Gower,

Messrs. Gray,  
Marvin,  
Scott,  
Seely,  
Skiff,

Traer.—11.

## NAYS.

Messrs. Ayers,  
Clarke, of Alamakee,

Messrs. Parvin,  
Patterson,

Messrs. Day,  
 Edwards,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Hall,  
 Harris,  
 Johnston,  
 Palmer,

Messrs. Peters,  
 Price,  
 Solomon,  
 Todhunter,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,  
 Springer, (P.) 22.

Mr. Clarke, of Henry, then offered the following amendment to said section:

“Nor shall any person be rendered or held thus incompetent to give testimony in consequence of his or her belonging to any particular sect, class, society or party;”

Pending the consideration of said amendment,

On motion of Mr. Warren,

The Convention adjourned.

## TUESDAY AFTERNOON.

At two o'clock, P. M., the Convention again assembled.

The consideration of the Report of the Committee of the Whole, upon the Preamble and Bill of Rights was resumed, and,

The question being upon the adoption of the amendment offered by Mr. Clarke, of Henry, to the Fourth Section of the Bill of Rights,

The same gentleman moved that said amendment, together with the section to which it relates, be laid upon the table, subject to the order of the Convention;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows:

### YEAS.

Messrs. Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,

Messrs. Parvin,  
 Scott,  
 Seely,

Messrs. Clark, of Alamakee,  
 Edwards,  
 Ells,  
 Gower,  
 Gray,  
 Marvin,

Messrs. Todhunter,  
 Traer,  
 Warren,  
 Wilson,  
 Young,  
 Springer (P.) 18.

# NAYS.

Messrs. Ayers,  
 Day,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Hall,  
 Harris,

Messrs. Johnston,  
 Palmer,  
 Patterson,  
 Peters,  
 Price,  
 Skiff,  
 Winchester,—14.

The Sixth Section of the Bill of Rights being under consideration as follows :

“All laws of a general nature shall have a uniform operation ;”

Mr. Edwards moved to amend the same by adding thereto as follows :

“The General Assembly shall not grant to any citizen or class of citizens privileges or immunities, which upon the same terms shall not equally belong to all citizens :

Which was agreed to.

The amendment to the Ninth Section of the Bill of Rights as adopted in Committee of the Whole was agreed to : causing said section to read as follows :

The right of trial by Jury shall remain inviolate, but the General Assembly may authorize trial by a jury of a less number than twelve men in Inferior Courts : but no person shall be deprived of life, liberty or property, without due process of law.

The Tenth Section of the Bill of Rights being under consideration, as follows :

“In all criminal prosecutions, the accused shall have a right to a speedy trial by an impartial jury ; to be informed of the accusation against him ; to be confronted with the witnesses against him ; to have compulsory process for his own witnesses ; and to have the assistance of a counsel ;”

Mr. Clarke, of Henry, moved as a Substitute therefor, as follows :

“In all criminal prosecutions, and in cases involving the life or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury ; to be informed of the accusation

against him, and to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his own witnesses; and to have the assistance of counsel;"

Which was adopted.

The Eleventh Section of the Bill of Rights, as amended by the Committee of the Whole, being under consideration, as follows:

"No person shall be held to answer for a criminal offence, unless on presentment or indictment by a grand jury, except in cases cognizable before a Justice of the Peace, or arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger: nor shall any person be compelled in any criminal prosecution to be a witness against himself;

And the substitute therefor, presented by the Committee on Judicial Department, having been read, as follows:

"All offenses less than felony and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a Grand Jury, saving to the defendant the right of appeal: and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a Grand Jury except in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger;"

Said Substitute was adopted as the Eleventh Section.

The Thirteenth Section of the Bill of Rights, being under consideration, as follows:

"The writ of habeas corpus shall not be suspended unless in case of rebellion, or invasion, the public safety may require it;"

And, the amendment offered by the Committee on Judicial Department, to insert between the words "suspended" and "unless" the words "nor shall be refused when application is made as required by law" having been read,

Said amendment was adopted.

The Eighteenth Section of the Bill of Rights being under consideration, as follows:

"Private property shall not be taken for public use without just compensation;"

Mr. Harris moved to amend by adding thereto the following:

"First being made or secured to be paid to the owner thereof as soon as the damages shall be assessed by a Jury who shall not

take into consideration any advantages that may result to said owner on account of the improvement for which it is taken, nor unless the public exigency requires it;

Upon the question of agreeing to the amendment, the yeas and nays were demanded, and it was decided in the negative as follows:

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Day,  
Gibson,

Messrs. Harris,  
Marvin,  
Palmer,  
Seely,

Traer—9.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Emerson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Johnston,  
Parvin,

Messrs. Patterson,  
Peters,  
Price,  
Scott,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,)—23.

Mr. Wilson moved to amend said section by adding thereto, as follows:

“First being made or secured to be paid to the owner thereof as soon as the damages shall be assessed by a jury who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken;”

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clark, of Alamahee,  
Day,  
Ells,  
Gibson,  
Gillaspy,

Messrs. Gray,  
Harris,  
Marvin,  
Palmer,  
Parvin,  
Seely,  
Traer,  
Wilson,

Young—17.

## NAYS.

Messrs. Clarke, of Johnson,  
 Edwards,  
 Emerson,  
 Gower,  
 Hall,  
 Johnston,  
 Patterson,  
 Peters,

Messrs. Price,  
 Scott,  
 Skiff,  
 Solomon,  
 Todhunter,  
 Warren,  
 Winchester,  
 Springer (P.) 16.

Mr. Clark, of Alamakee, offered the following to come in as the Nineteenth Section of the Bill of Rights:

“Private roads may be opened in the manner prescribed by law, but in every case the necessity of the road and the amount of damages sustained by the opening thereof shall first be determined by a jury of disinterested freeholders and such amount together with the expenses of the proceeding shall be paid by the person or persons benefitted thereby before said road shall be opened ;”

Upon this question, the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Bunker,  
 Clarke, of Henry,  
 Clark, of Alamakee,  
 Day,

Messrs. Ells,  
 Gray,  
 Marvin,  
 Seely,

Traer—9.

## NAYS.

Messrs. Ayers,  
 Clarke, of Johnson,  
 Edwards,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gower,  
 Hall,  
 Harris,  
 Johnston,  
 Palmer,  
 Patterson,

Messrs. Parvin,  
 Peters,  
 Price,  
 Scott,  
 Skiff,  
 Solomon,  
 Todhunter,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,  
 Springer (P.) 24.

The Twentieth Section of the Bill of Rights being under consideration, as follows:

“The people have the right freely to assemble together to counsel for

the common good ; to make known their opinions to their representatives and to petition for a redress of grievances ;”

The amendments made in the Committee of the Whole to insert after the word “together” the words “in a peaceable manner” and to strike out the word “counsel” and insert the word “consult ;”

Were severally disagreed to.

The Twenty-first Section of the Bill of Rights being under consideration, as follows :

“No bill of attainder, ex post-facto law, or law impairing the obligation of contracts, shall ever be passed ;”

And the question being upon agreeing to the amendment made in Committee of the Whole, to insert between the words “contract” and “shall” the words “or the right of property,”

The yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Emerson,  
Gillaspy,  
Hall,

Messrs. Harris,  
Peters,  
Price,

Solomon—7.

#### NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Gibson,  
Gower,  
Gray,  
Johnston,  
Young,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Springer (P.,) 26.

The Twenty-third Section of the Bill of Rights being under consideration, as follows :

“Neither slavery nor involuntary servitude unless for the punishment of crimes shall ever be tolerated in this State ;”

Mr. Wilson offered the following as a substitute for said section :

“There shall be no slavery in this State : nor shall there be involuntary servitude unless for the punishment of crime ;”

Which was adopted.

Mr. Solomon offered the following to come in as the Twenty-fourth Section of the Bill of Rights :

“The manufacture of, or traffic in, property which is a production of this State or a legitimate article of traffic with other States, or foreign nations, shall not be prohibited ;”

Mr. Clarke, of Johnson, offered as a Substitute for said proposed section as follows :

The right of the people to prohibit by law the manufacture and sale of intoxicating liquors as a beverage shall not be violated or abrogated ;

Mr. Edwards moved that the proposed section and the substitute therefor be laid on the table ;

Upon the question of agreeing to this motion the yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gower,  
Harris,

Messrs. Marvin,  
Palmer,  
Patterson,  
Scott,  
Seely,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,

Young—21.

#### NAYS.

Messrs. Clarke, of Johnson,  
Ells,  
Gillaspy,  
Gray,  
Hall,  
Johnston,

Messrs. Parvin,  
Peters,  
Price,  
Skiff,  
Solomon,  
Springer, (P.) 12.

The amendment made in the Committee of the Whole to the Bill of Rights, and intended to come in as the Twenty-fourth section, being under consideration, as follows :

24. Exclusive jurisdiction shall never be granted to the Government of the United States over any territory embraced within the limits of this State ;



The question being upon agreeing to the same,

The yeas and nays were demanded, and it was decided in the negative as follows :

#### YEAS.

Messrs. Clarke, of Henry,	Messrs. Traer,
Scott,	Warren,
Seely,	Wilson,
Solomon,	Young,
Springer, (Prest.,)—9.	

#### NAYS.

Messrs. Ayers,	Messrs. Hall,
Bunker,	Harris,
Clarke, of Johnson,	Johnston,
Clark, of Alamakee,	Marvin,
Day,	Palmer,
Edwards,	Parvin,
Emerson,	Patterson,
Gibson,	Peters,
Gillaspy,	Price,
Gower,	Skiff,
Gray,	Todhunter,

Winchester—23.

Mr. Clarke, of Henry, offered the following to come in as the Twenty-fourth section of the Bill of Rights :

24. No lease or grant of agricultural lands reserving any rent, or service of any kind, shall be valid for a longer period than twenty years ;

Which was adopted.

Mr. Clarke, of Henry, offered the following as an additional section to the Bill of Rights :

“Such parts of the common law as are not repugnant to this Constitution and the statutory laws of the State, shall be and continue the law of this State “subject to such changes and alterations therein as the General Assembly may make ;”

Which was not agreed to.

Mr. Bunker offered the following as a substitute for the first section of the Bill of Rights ;

All men are by nature equally free and equally dependent on each other, and are possessed of certain inherent and inalienable rights,

among which are those of enjoying and defending life and liberty and pursuing and obtaining safety and happiness ;

On motion,

The same was laid on the table.

The consideration of the report of the Committee of the Whole on the Preamble and Bill of Rights having been concluded,

On motion of Mr. Clarke, of Johnson,

The same was ordered to lie on the table.

Mr. Clarke, of Henry, from the Committee on Incorporations presented the following

### REPORT.

The Committee on Incorporations to whom was referred the resolution of Mr. Gower—at a time when they had matured the plan of the report heretofore submitted by them—would further respectfully report :

The act for a State Bank and branches, annexed to said resolution, meets with the approval of the committee in all its main features and so far as the provisions extend.

But after providing suitable Constitutional restraints and limits within which laws may be formed, the details of special enactment fall more legitimately to the province of a Legislative body than to this Convention.

They would for this reason deem it inexpedient to engraft into the Constitution the "Bill" annexed to said resolution with or without amendments.

Respectfully,

R. L. B. CLARKE,  
*Chairman.*

Which report was read, and ordered to be laid upon the table.

On motion of Mr. Winchester,

The Convention then adjourned.

## WEDNESDAY MORNING, FEBRUARY 4, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday was read and approved.

Mr. Parvin presented the petition of Charles Jackson and thirty-two others, colored people of the State of Iowa, praying that the Constitution may be so modified as to grant to persons of their class, the right of suffrage ;

Which was read and referred to the Committee on Right of Suffrage.

Mr. Todhunter presented the memorial of John S. Deakin and eighty-four others, citizens of Iowa, asking that the clause in the present Constitution, restricting the size of counties to certain limits, be modified, or entirely omitted, in the revised Constitution ;

Which was read and referred to the Committee on Miscellaneous Matter.

Mr. Skiff moved to refer the Report of the Committee on Right of Suffrage to a select committee of five ;

Upon the question of agreeing to this motion, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Ells,  
Gower,  
Gray,  
Hall,  
Harris,

Messrs. Parvin,  
Price,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Springer, (P.) 18.

## NAYS.

Messrs. Ayers,  
Day,  
Edwards,

Messrs. Marvin,  
Palmer,  
Patterson,

Messrs. Emerson,  
Gibson,  
Gillaspy,  
Johnston,

Messrs. Peters,  
Solomon,  
Winchester,  
Young.—14.

The President then appointed Messrs. Skiff, Hall, Clarke, of Henry, Price and Marvin, said Committee.

The Report of the Committee on Distribution of Powers and Legislative Department having been read,

Mr. Clarke, of Johnson, moved that the same be laid on the table, and be made the special order for Friday morning ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Ells,  
Gower,  
Gray,  
Marvin,  
Parvin,

Messrs. Peters,  
Scott,  
Seely,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Young,  
Springer (P;)—18.

#### NAYS.

Messrs. Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Price,  
Skiff,  
Solomon,  
Winchester—14.

The report of the Committee on Executive Department, having been read,

Mr. Price moved that it be laid on the table and made the order of the day for Monday next ;

Which was agreed to.

Mr. Gillaspy moved that the Convention do now adjourn ;

Which motion was not agreed to.

Mr. Gillaspy then moved to take up the Report of the committee on

Preamble and Bill of Rights which was laid on the table yesterday afternoon ;

Which motion was agreed to.

Mr. Clarke, of Henry, moved that the same be referred to a select committee of three ;

Mr. Hall moved to amend the motion by referring the same to the select committee already raised, to whom had been referred the Report of the Committee on Right of Suffrage ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Skiff—12.

## NAYS.

Messrs. Bunker,  
Clarke. of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Harris,  
Marvin,

Messrs. Parvin,  
Scott,  
Seely,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,)—21.

Mr. Hall moved to amend the motion to refer so as to instruct the committee to consider alone the Fourth Section of said Report ;

Mr. Clarke, of Henry, moved to amend the amendment so as to include the First, Fourth, Tenth and Eighteenth Sections of said Report ;

Which motion was agreed to.

The motion to refer the Report of the committee on Preamble and Bill of Rights to a select committee of three, with instructions to consider the First, Fourth, Tenth and Eighteenth Sections thereof,

Was then agreed to ; and

The President appointed Messrs. Clarke, of Henry, Harris and Wilson said Committee.

The Reports of the majority and minority of the committee on Judicial Department, having been read, respectively,

Mr. Edwards moved that they be made the special order for this afternoon at 2 o'clock, P. M.

Which motion was agreed to.

On motion of Mr. Traer,

The Convention then adjourned.

### WEDNESDAY AFTERNOON.

At 2 o'clock, P. M., the Convention again met.

On motion of Mr. Edwards,

The Convention resolved itself into Committee of the Whole, Mr. Johnston in the Chair, upon the consideration of the Reports of the majority and minority of the Committee on Judicial Department: and, after some time spent therein, the Committee rose:

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that progress had been made in the consideration of the subject before them; and the Committee asked and obtained leave to sit again.

Mr. Clarke, of Johnson, moved that the Report of the Committee of the Whole be laid on the table and that the subject they have under consideration be made the special order for to-morrow morning;

Which motion was agreed to.

On motion of Mr. Clarke, of Johnson,

The Convention then adjourned.

## THURSDAY MORNING, FEBRUARY 5, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Parvin offered the following:

*Resolved*, That the majority and minority reports of the committee on Judicial Department be referred to the same committee, with instructions to report the old system so changed as to elect the Supreme Judges, and re-district the the State into not more than ten districts.

The Chair having ruled that action on said resolution would be out of order at this time,

The Convention proceeded to the consideration of the special order of the day.

The Convention then resolved itself into committee of the Whole, Mr. Johnston in the Chair, upon the consideration of the Reports of the majority and minority of the committee on Judicial Department; and, after some time spent therein, the committee rose.

The Convention having again come to order,

The chairman of the committee of the Whole reported that progress had been made in the consideration of the subject before them: and the committee asked and obtained leave to sit again.

On motion of Mr. Harris,

The Convention then adjourned.

## THURSDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

Mr. Clarke, of Henry, asked leave to make a report on behalf of the majority of the committee on Judicial Department ;

Which the Chair ruled out of order for the reason that the subject was in possession of the committee of the Whole.

The Convention then resolved itself into committee of the Whole, Mr. Johnston in the Chair, upon the consideration of the Reports of the majority and minority of the committee on Judicial Department, and after some time spent therein, the committee rose:

The Convention having again come to order,

The chairman of the committee of the Whole reported back the Reports of the majority and minority of the committee on Judicial Department without amendment.

On motion of Mr. Clarke, of Henry,

Said Reports were then referred to the committee on Judicial Department.

Mr. Clarke, of Henry, from the committee on Judicial Department, then reported a Substitute for said Reports, as follows:

The majority of the committee on the Judiciary ask leave to make the following

## REPORT.

SECTION 1. The judicial power shall be vested in a Supreme Court, District Courts, Circuits Courts, and such other inferior Courts as the General Assembly may establish.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, two of whom shall be a quorum to hold Court. They shall be elected by the people of the State at large, and shall hold their office six years (except as herein provided), and until their successors shall be elected and qualified. The salary of each shall not be less than two thousand dollars nor more than five thousand dollars per annum, to be fixed by law, and not changeable during their term of office.

SEC. 3. The State shall be divided into three judicial districts, to be bounded by county lines, and as nearly equal in population and territory as may be, and each of said districts shall be subdivided in the same manner, into four divisions, called circuits.

SEC. 4. There shall be twelve District Judges, who shall also be Circuit Judges, one of whom shall reside, after his election, in each of the said circuits ; shall be elected by the people of the districts at large, and to hold office for four years, (except as herein provided,) and until their successors are elected and qualified ; and shall have each a salary of not less than one thousand dollars, nor over three thousand dollars, and not changeable during their term of office.

SEC. 5. At the first election of judicial officers under this Constitution—which shall be at the first general election after its adoption—they shall be so classified, under provisions of law, that one of the Supreme Court Judges shall go out of office every two years, and one of the District Judges in each district shall go out of office every year, and their successors shall be elected for the full terms. The Justice of the Supreme Court having the longest term at the first election, shall be Chief Justice ; and after the expiration of his term, the Justice longest presiding shall be Chief Justice. And in each district the Judge elected for the longest term shall be Presiding Judge, and after the expiration of his term, the Judge longest presiding shall be thus designated.

SEC. 6. The resident Judge in each circuit shall hold the courts therein, except when otherwise provided by law, and the Circuit Court shall be courts of law and equity, having jurisdiction in each, over all matters, civil or criminal, arising in their respective circuits, under such regulations as the law may provide.

SEC. 7. The District Courts shall be composed by the meeting of the Circuit Judges in each district in bank, at such times and places as shall be provided by law ; any three of whom shall constitute a quorum to hold a court ; but no Judge shall vote, or join in an opinion, in a case which was tried before him in the Circuit Court ; nor in which he may be or may have been interested ; nor in which he may be, or may have been connected as attorney or counselor at law. The General Assembly may make provisions for justices of the Supreme Court, and Judges from another district, to sit upon the bench of the District Courts in cases where it may be necessary, or for the good of the public.

SEC. 8. The District Courts shall have exclusive jurisdiction in all matters arising in the Circuit Courts of their respective districts, and brought up on appeal or writ of error, in such manner as shall be provided by law, except in cases where the law may provide for their going directly to the Supreme Court.

SEC. 9. The Supreme Court shall have appellate jurisdiction in chancery, and constitute a court for the correction of errors at law, in all cases coming from the District Courts; and in such cases from the Circuit Courts as the law may provide;—and shall have the right to appoint its own clerk and reporter.

SEC. 10. There shall be a clerk of the Circuit Court elected in each county where a term of such court shall be appointed by law to be held, who shall also be clerk of the District Court in those counties where said District Courts shall be appointed by law to be held.

SEC. 11. Each of said courts shall exercise a supervisory control over all inferior courts within the limits of their respective jurisdictions and be conservators of the peace therein; they shall have power to issue all usual writs and process and to enforce the same.

SEC. 12. No judicial officer, provided for herein, shall be eligible to any other office during the term for which he shall be elected; except that district judges shall be eligible to the office of Justice of the Supreme Court; and their terms of office shall commence the 1st of January next after their election, but in cases of a vacancy the same may be filled by appointment by the Governor, until it shall be supplied at the next general election, when it shall be filled by election for the residue of the unexpired term.

SEC. 13. It shall be the duty of the General Assembly to make such provisions by law as shall be necessary for the carrying into effect of this article and to provide for a regular system of practice in all the courts of the State. To provide for the election of an Attorney General to reside at the Capital and for the election of Prosecuting Attorneys in each circuit, in lieu of the Prosecuting Attorneys in the several counties, and to prescribe their powers, duties, terms of office and salary.

SEC. 14. The style of all process shall be, "The State of Iowa;" and all prosecutions shall be conducted in the name and by authority of the same.

SEC. 15. After the year 1860, the General Assembly may re-organize the judicial districts, and increase or diminish the number of districts, or the number of Judges of the Supreme or District Courts; but such increase or diminution shall not be more than one district, or one Judge of either Court at a time; and no re-organization of the districts, or diminution of the Judges shall have the effect of removing a Judge from office. Such re-organization of the districts, or increase or diminution of the Judges shall take place every five years thereafter, if necessary, and at no other time.

SEC. 16. The Supreme Court, with one District Judge from each district, to be selected as shall be provided by law, shall form a Court for the trial of all impeachments, except in cases where a Justice of the Supreme Court is upon trial, when the Court shall be composed of the District Judges, a majority of whom shall constitute a quorum. Incompetency shall be a ground for impeachment, in a judicial officer ; and all impeachments must be found by the General Assembly.

R. L. B. CLARKE,  
J. C. HALL,  
DANIEL H. SOLOMON,  
*Committee.*

Which, after having been read,

On motion of Mr. Skiff,

Was laid upon the table, and one hundred copies thereof were ordered to be printed for the use of the Convention.

Mr. Clarke, of Johnson, from the Committee on Judicial Department, made a minority report, being the same which he had previously reported from the minority of said Committee ;

Which was read and ordered to lie upon the table.

The Convention then proceeded to the consideration of the Report of the committee on State Debts :

Said report having been read,

The Convention resolved itself into committee of the Whole, upon its consideration, Mr. Gray in the Chair, and after some time spent therein, the committee rose.

The convention having again come to order,

The Chairman reported, that the Committee of the Whole to whom had been referred the Report of the committee on State Debts, had the same under consideration, and had instructed him to report the same back to the Convention with sundry amendments ;

Said report was received and the committee discharged.

On motion of Mr. Clarke, of Johnson, the report of the committee of the Whole was laid upon the table, subject to the order of the Convention.

On motion of Mr. Traer,

The convention then adjourned.

FRIDAY MORNING, FEBRUARY 6, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Traer from the select committee on the Basis of Representation made the following

### REPORT.

Mr. PRESIDENT :—

The committee to whom was referred that part of the Constitution relating to the basis of representation have had the same under consideration and have instructed me to report the following sections as an amendment to the article on legislative department as reported by your standing committee. Insert after section 36 as follows :

SECTION 1. The House of Representatives shall be based upon the several counties of the State in the following manner : *Provided*, That no Representative district shall contain more than four organized counties and shall be entitled to one Representative. Any district containing one or more counties and having a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one Representative, and any one county containing in addition to the ratio fixed by law, a fraction of one-half of that number shall be entitled to one additional Representative. *Provided* farther, That no floating district shall hereafter be formed.

SEC. 2. At its first session under this Constitution, and at every subsequent session, the General Assembly shall proceed to fix the ratio of representation and also to form into districts as above provided, those counties which will not be entitled to a Representative singly under the provision of the preceding section.

All of which we respectfully submit,

J. C. TRAER,  
*Chairman.*

Mr. Solomon dissents from the above in the fact that he prefers a

strict county representation which will secure at least one member to each county.

The reading of said report was dispensed with, and the same was ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Skiff offered the following resolution :

*Resolved*, That James Hawkins, First Messenger, be discharged from further duty in this Convention ;

Mr. Harris moved to amend by striking out the word "discharged" and what follows, and insert "reprimanded by the President for want of attention and courtesy to members ;"

Mr. Hall moved to lay the resolution upon the table subject to the order of the Convention ;

Which motion was agreed to.

Mr. Traer moved to postpone the special order for this morning, being the consideration of the report of the Committee on Distribution of Powers and Legislative Department, until Tuesday next ;

Which was agreed to.

On motion of Mr. Traer,

The Report of the Committee of the Whole on State Debts was taken up, the same being upon its second reading.

The Second Section of said report having been read, and,

The question being upon agreeing to the amendment made in Committee of the Whole to said section by striking out "one hundred thousand dollars" and inserting "two hundred and fifty thousand dollars,"

Mr. Clarke, of Johnson, moved to amend the amendment by substituting "five hundred thousand dollars" for "two hundred and fifty thousand dollars ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Bunker,	Messrs. Gower,
Clarke, of Johnson,	Skiff,
Ells,	Young,
Springer, (Prest.),—7.	

#### NAYS.

Messrs. Ayers,	Messrs. Marvin,
Clark, of Alamahee,	Palmer,

Messrs. Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Harris,  
Johnston,

Messrs. Parvin,  
Patterson,  
Peters,  
Price,  
Scott,  
Solomon,  
Traer,  
Warren,  
Wilson,

Winchester—23.

Upon the question of agreeing to the amendment made in Committee of the Whole,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hall,

Messrs. Marvin,  
Parvin,  
Patterson,  
Seely,  
Skiff,  
Traer,  
Winchester,  
Young,

Springer, (Prest.,)—17.

NAYS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Harris,  
Johnston,

Messrs. Palmer,  
Peters,  
Price,  
Scott,  
Solomon,  
Warren,  
Wilson—14.

The amendment made in Committee of the Whole to said report, to come in as Sec. 3, being under consideration, as follows :

SEC. 3. All losses to the permanent school or university fund of this State, which loss shall have been occasioned by the mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State in favor of these respective funds, upon which ten per cent. interest payable semi-annually shall be paid for school and university purposes. The amount

of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article ;

Mr. Clarke, of Johnson, moved to strike out the word "ten" in said proposed section, and insert the words "not less than six;" and the words "semi-annually" and insert "annually ;"

Which motion was agreed to.

Said proposed section, as amended, was then agreed to.

The amendment made in Committee of the Whole to the fourth section of said report, to strike out near the beginning of said section, the words "specified in the second and third sections of" and insert the words, "herein before specified in," being under consideration,

The same was agreed to.

Mr. Clarke, of Johnson, moved to amend the fifth section of said report by striking out the latter words of said section, as follows: "proceeds thereof shall have made the provisions herein before specified to pay and discharge the interest and principal of such debt and liability;"—and to insert the words "principal and interest are fully paid ;"

Which motion was agreed to.

Mr. Clarke, of Johnson, offered the following as an additional section :

SEC. — Every contract made or entered into, which either directly or indirectly violates the provisions of this Article, shall be null and void :

Upon the question of agreeing to the same, the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Bunker,	Messrs. Palmer,
Clarke, of Henry,	Peters,
Clarke, of Johnson,	Price,
Ells,	Scott,
Emerson,	Winchester,
Gower,	Young,
Springer, (Prest.),—13.	

#### NAYS.

Messrs. Ayers,	Messrs. Johnston,
Clark, of Alamakee,	Marvin,
Day,	Parvin,
Edwards,	Patterson,
Gibson,	Seely,

Messrs. Gillaspy,  
Gray,  
Hall,  
Harris,

Messrs. Skiff,  
Solomon,  
Traer,  
Wilson—18.

Mr. Winchester moved that the report of the committee on State Debts as amended be engrossed and ordered to have a third reading ;  
Which motion was agreed to.

The Report of the committee on Incorporations was then taken up.

Said report having been read,

Mr. Harris moved that it be made the special order for this afternoon at two o'clock ;

Mr. Clarke, of Henry, moved to amend by making it the special order for Wednesday next ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Ells,  
Springer, (Prest.,)—11.

Messrs. Gower,  
Gray,  
Scott,  
Traer,  
Wilson,

## NAYS.

Messrs. Ayers,  
Day,  
Edwards,  
Emerson,  
Gibson.  
Gillaspy,  
Hall,  
Harris,  
Johnston,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Seely,  
Solomon,  
Warren,  
Winchester,

Young,—19.

Mr. Clarke, of Johnson, moved to amend so that said report be made the special order for Saturday next ;

Upon this question the yeas and nays were demanded, and it was decided in the negative as follows :

## YEAS.

Messrs. Bunker,	Messrs. Ells,
Clarke, of Henry,	Gower,
Clarke, of Johnson,	Gray,
Clark, of Alamakee,	Wilson,
Springer, (Prest.),—9.	

## NAYS.

Messrs. Ayers,	Messrs. Palmer,
Day,	Parvin,
Edwards,	Patterson,
Emerson,	Peters,
Gibson,	Scott,
Gillaspy,	Seely,
Hall,	Solomon,
Harris,	Traer,
Johnston,	Warren,
Marvin,	Winchester,

Young,—21.

The motion of Mr. Harris to make said report the special order for this afternoon,

Was then agreed to.

On motion of Mr. Harris,

The Convention then adjourned.

## FRIDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

On motion,

The Convention resolved itself into Committee of the Whole, Mr. Traer in the Chair, upon the consideration of the Report of the Committee on Incorporations; and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported that progress had been made in the consideration of the subject before them ; and the Committee asked and obtained leave to sit again.

On motion of Mr. Skiff,

The Convention then adjourned, until ten o'clock to-morrow morning.

## SATURDAY MORNING, FEBRUARY 7, 1857.

At ten o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

On motion,

The Convention resolved itself into Committee of the Whole, Mr. Traer in the Chair, upon the consideration of the Report of the Committee on Incorporations ; and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported that progress had been made in the consideration of the subject before them ; and the Committee asked and obtained leave to sit again.

Mr. Skiff moved that the Convention adjourn until ten o'clock Monday morning ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Traer—5.

Messrs. Ells,  
Skiff,

## NAYS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamakee,  
 Day,  
 Edwards,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gower,  
 Gray,  
 Hall,  
 Harris,  
 Johnston,  
 Marvin,

Messrs. Parvin,  
 Palmer,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Scott,  
 Seely,  
 Solomon,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,  
 Springer, (P.) 28.

On motion of Mr. Harris,  
 The Convention then adjourned.

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## SATURDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Convention resolved itself into Committee of the Whole, Mr. Traer in the Chair, upon the consideration of the Report of the committee on Incorporations ; and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported that progress had been made in the consideration of the subject before them ; and the committee asked and obtained leave to sit again.

On motion of Mr. Traer,

The Convention adjourned until ten o'clock, A. M., Monday morning.

# MONDAY MORNING, FEBRUARY 9th, 1857.

At ten o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of Saturday's proceedings was read and approved.

Mr. Parvin moved that the special order of the day, being the consideration of the Report of the committee on Executive Department, be postponed;

Which motion was agreed to.

The Convention then resolved itself into Committee of the Whole, Mr. Bunker in the Chair, upon the consideration of the Report of the Committee on Incorporations; and, after having spent some time therein, the committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that progress had been made in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

On motion of Mr. Skiff,

The Convention then adjourned.

# MONDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Convention resolved itself into Committee of the Whole, Mr. Bunker in the Chair, upon the consideration of the Report of the committee on Incorporations; and, after some time spent therein, the committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that progress had been made in the consideration of the subject before them, and the committee asked and obtained leave to sit again.

Mr. Ells offered the following :

*Resolved*, That no member shall be allowed to speak more than twice on any one subject, nor more than twenty-five minutes at one time ;

Which resolution, under the Rule adopted by the Convention, was laid over for one day before being acted upon.

Mr. Gillaspay offered the following :

*Resolved*, That this Convention adjourn on the nineteenth instant, *sine die* ;

Mr. Clarke, of Johnson, moved that said resolution be laid upon the table ;

Upon the question of agreeing to this motion, the yeas and nays were demanded, and it was decided in the affirmative, by the following vote :

#### YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gower,  
Gray,

Messrs. Harris,  
Marvin,  
Palmer,  
Parvin,  
Scott,  
Wilson,  
Young,  
Springer, (P.) 16

#### NAYS.

Messrs. Ayers,  
Day,  
Gibson,  
Gillaspay,  
Hall,  
Johnston,  
Patterson,

Messrs. Peters,  
Robinson,  
Seely,  
Skiff,  
Solomon,  
Warren,  
Winchester,—14.

On motion of Mr. Palmer,

The Convention then adjourned, until to-morrow morning at ten o'clock.

## TUESDAY MORNING, FEBRUARY 10, 1857.

At ten o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

The President presented the petition of Henry C. Blake and thirty-three others, praying for the adoption of some Constitutional provision for the enactment of laws by the General Assembly for the observance of the Christain Sabbath ;

On motion of Mr. Skiff,

The same was referred to the committee on Miscellaneous Matter.

On motion of Mr. Harris,

The special order of the day, being the consideration of the Report of the committee on Distribution of Powers and Legislative Department, was postponed.

The resolution offered yesterday by Mr. Ells, and which was laid over one day for consideration, under the rule adopted by the Convention, was then taken up, as follows :

*Resolved*, That no member shall be allowed to speak more than twice on any one subject, nor more than twenty-five minutes at one time ;

Mr. Skiff moved to amend by adding thereto, the following words : "after said subject has once been considered in Committee of the Whole ;"

Mr. Ells moved to lay the resolution on the table ;

Which motion was not agreed to.

The amendment offered by Mr. Skiff was then agreed to.

On motion of Mr. Johnston,

The resolution, as amended, was then laid on the table.

The Convention then resolved itself into Committee of the Whole, Mr. Bunker in the Chair, upon the consideration of the Report of the

committee on Incorporations ; and, after some time spent therein, the committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that progress had been made in the consideration of the subject before them, and the committee asked and obtained leave to sit again.

On motion of Mr. Skiff,

The Convention then adjourned.

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## TUESDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Convention then resolved itself into Committee of the Whole, Mr. Bunker in the Chair, upon the consideration of the report of the committee on Incorporations ; and, after some time spent therein, the committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that progress had been made in the consideration of the subject before them, and the committee asked and obtained leave to sit again.

On motion of Mr. Harris,

The Convention then adjourned.

## WEDNESDAY MORNING, FEBRUARY 11, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Parvin presented the memorial of Henry O'Connor and one hundred and ninety-eight others, citizens of Muscatine county, protesting against the incorporation in the Constitution of any provision again imposing upon the black population of this State the disabilities in regard to giving evidence in Courts, and the holding of property ;

Which was read and referred to the Special Committee having in charge the consideration of the Bill of Rights.

The Convention then resolved itself into Committee of the Whole, Mr. Bunker in the Chair, upon the consideration of the Report of the Committee on Incorporations : and, after some time spent therein, the committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole stated that they had concluded the consideration of the subject before them, and reported the same back to the Convention with sundry amendments ;

On motion, the report was received and the Committee discharged.

On motion of Mr. Harris,

The Convention then adjourned.

## WEDNESDAY AFTERNOON.

At 2 o'clock, P. M., the Convention again met.

The Report of the Committee on Incorporations, as amended in Committee of the Whole, was then taken up, the same being upon the second reading.

The First Section of said Report being under consideration, as follows :

SECTION 1. No corporations shall be created by special law, but the General Assembly shall provide by general law for the organization of all corporations hereafter to be created except as herein provided,

The amendment made in Committee of the Whole to said section to insert the word "otherwise", after the word "herein,"

Was agreed to.

The Second Section of said Report being under consideration, as follows :

SEC. 2. Corporations may sue and be sued and their property shall be liable to taxation in the same manner as natural persons ; and the liabilities, powers, privileges and duties of stockholders in corporations may be fixed and defined by law, subject to the provisions hereof,

The amendments made in Committee of the Whole to said section by striking out the word "their" and inserting "the ;" and inserting between the words "property" and "shall," the words "of all corporations for pecuniary profit ;"

Were severally agreed to.

The Fourth Section of said Report being under consideration, as follows :

SEC. 4. No political or municipal corporation shall become a stockholder in any banking corporation directly or indirectly ; nor in any other corporation or corporations to an amount exceeding at one time two hundred thousand dollars : nor shall the bonds or other evidences of indebtedness of any municipal or political corporation be issued or granted, or its credit loaned directly or indirectly, or pledged as security, to an amount in the aggregate exceeding two hundred thousand dollars, at any one time ;"

The question then being upon agreeing to the amendment made in Committee of the Whole to said section, to strike out all after the word "indirectly" near the beginning,

Mr. Skiff moved to amend the amendment by inserting as follows :

"Nor in any other corporation or corporations to an amount exceeding at one time two hundred thousand dollars, provided said amount shall not exceed five per cent. on the taxable property of such corporation as shown by the last preceding assessment ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clark, of Alamahee,  
Harris,  
Skiff,

Messrs. Traer,  
Warren,  
Wilson,

Young—7.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Day,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,

Messrs. Johnston,  
Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Winchester,

Springer, (Prest.,)—25.

The question recurring upon agreeing to the amendment made in Committee of the Whole,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Day,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Johnston,  
Marvin,  
Palmer,

Messrs. Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P) 30.

## NAYS.

Mr. Clarke, of Henry,

Mr. Clark, of Alamahee—2.

The Fifth Section of said Report being under consideration, as follows :

“SEC. 5. It shall be the duty of the General Assembly to provide by law for the restraint of municipal and political corporations in regard to assessments, taxations, borrowing money, contracting debts, issuing bonds, and loaning their credit so as to prevent, as far as possible, unnecessary burdens, and unjust taxation and frauds,

The amendment made in Committee of the Whole to said section, by striking out the words “as far as possible” near the latter part thereof,

Was agreed to.

The Seventh Section of said Report being under consideration, as follows :

SEC. 7. If a general banking law is passed, it shall provide, amongst other things, for the registry and countersigning, by an officer of the State, of all bills, or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States stocks, or in interest-paying stocks of States in good credit and standing, to be rated at their average value in the city of New York, for the thirty days next preceding their deposit ; and also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer, and to whom,

The amendment made in Committee of the Whole to said section, by inserting the words “twenty per cent. below,” near the middle thereof, and between the words “at” and “their,”

Was agreed to.

The Eighth Section of said Report being under consideration, as follows :

SEC. 8. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all of its liabilities ; and in all cases where its stock shall be transferred, the liability of the transferor shall not cease, nor shall the liability of the transferee commence until the expiration of six months after such transfer shall have been duly recorded as provided by law,

The amendment made in Committee of the Whole to said section, to strike out all after the word “liabilities” near the middle thereof and insert the words “created during the time that the person sought to be charged, was a stockholder in such banking corporation,”

Was agreed to.

The Ninth Section of said Report being under consideration, as follows :

SEC. 9. The General Assembly may also charter a State Bank with branches, to be founded upon an actual specie basis,

The amendment made in Committee of the Whole to said section, by adding thereto, as follows : "or on stocks as authorized by the seventh section, or both,"

Was agreed to.

The Tenth Section of said Report being under consideration, as follows :

SEC. 10. If such a State Bank be established, the branches shall be mutually responsible for each others liabilities upon all paper credit issued as money, and the liabilities of stockholders shall be the same as those of banks organized under a general law, all of which shall be provided for by law,

The amendment made in Committee of the Whole to said section, by striking out all after the word money, near the middle thereof,

Was agreed to.

The Eleventh Section of said Report being under consideration, as follows :

SEC. 11. It shall be the duty of the General Assembly, in case of its passing either or both of the banking laws herein provided, to provide also such other restrictions and fix such other liabilities, and adopt such other guards and checks as shall be conducive to prevent frauds on the part of banking institutions, its officers and directors, and to secure to the people of this State a safe and reliable currency,

The question being upon agreeing to the amendment made in Committee of the Whole to said section, by adding thereto as follows :

"All frauds that may be committed by persons having the control or management of any bank or banks established under this Article which shall materially affect the credit of such bank or banks, or diminish the capacity of such bank or banks to redeem the notes, or pay the deposits, shall be punished as a felony ; and, it shall be the duty of the General Assembly to provide by law for such punishment,"

Mr. Clarke, of Henry, offered the following as a Substitute for said amendment :

"And towards this end they shall provide laws defining the offences of such frauds, with suitable pains and penalties as a punishment for the same ;"

Upon the question of adopting said Substitute, the yeas and nays were demanded, and it was decided in the negative as follows :

## YEAS.

Messrs. Clarke, of Henry,  
 Clark, of Alamakee,  
 Gray,  
 Marvin,  
 Springer, (Prest.,)—9.

Messrs. Scott,  
 Seely,  
 Traer,  
 Warren,

## NAYS.

Messrs. Ayers,  
 Bunker,  
 Clarke, of Johnson,  
 Day,  
 Edwards,  
 Gibson,  
 Gillaspy,  
 Gower,  
 Hall,  
 Harris,  
 Johnston,

Messrs. Palmer,  
 Parvin,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Skiff,  
 Solomon,  
 Wilson,  
 Winchester,  
 Young—22.

The question then recurring upon agreeing to the amendment made in Committee of the Whole to said section,

The yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Ayers,  
 Bunker,  
 Clarke, of Johnson,  
 Day,  
 Gibson,  
 Gillaspy,  
 Hall,  
 Harris,

Messrs. Johnston,  
 Marvin,  
 Palmer,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Solomon—16.

## NAYS.

Messrs. Clarke, of Henry,  
 Clark, of Alamakee,  
 Edwards,  
 Ells,  
 Gower,  
 Gray,  
 Parvin,  
 Scott,

Messrs. Seely,  
 Skiff,  
 Traer,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,  
 Springer, (P.) 16.

The Fifteenth Section of said Report being under consideration, as follows :

SEC. 15. No bill, note, draft, check, or other evidence of debt, shall be issued for circulation as money except by banking corporations duly organized under, or created by law,

And, the question being upon agreeing to the amendment made in Committee of the Whole, to substitute for said section as follows :

SEC. 15. Any person or body of persons, who shall issue for circulation as money, any bill or other evidence of debt, without the authority of law, shall be deemed guilty of felony, and punished as may be provided by law,"

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Day,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Hall,

Messrs. Harris,  
Johnston,  
Marvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Young—16.

#### NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Gray,  
Palmer,  
Parvin,  
Seely,

Messrs. Skiff,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Springer, (P.,) 14.

The Sixteenth Section of said Report being under consideration, as follows :

SEC. 16. But no general banking law, nor law creating a State Bank, nor shall amendments thereto, or acts in repeal thereof, take effect until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, and shall have been approved by a majority of all the voters voting for and against it,

The amendment made in Committee of the Whole to said section, by

inserting after the words "as provided by law," the words "to be held not less than three months after the passage of the law,"

Was agreed to.

The Seventeenth Section of said Report being under consideration, as follows :

SEC. 17. Subject to the provisions hereof, the General Assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special privileges or immunities, by a vote of two-thirds of the House of Representatives and also of the Senate : and no exclusive privileges, except as in this Article provided, shall ever be granted,

The amendments made in Committee of the Whole to said section, by inserting between the words "special" and "privileges" the words "or exclusive;" and, by striking out the words "the House of Representatives and also of the Senate" and inserting the words "each branch of the General Assembly, "

Were severally agreed to.

The Nineteenth Section of said Report being under consideration as follows :

SEC. 19. Private property shall not be taken by corporations for their use or benefit without compensating the owner for the actual damage resulting to him or her in the taking and manner thereof,

The amendment made in the committee of the Whole, by striking out said section,

Was agreed to.

The amendments made in Committee of the Whole to said Report having all been acted upon,

Mr. Clarke, of Johnson offered the following as a Substitute for the Fourth Section as amended :

SEC. 4. No political or municipal corporation shall become a stockholder in any banking corporation directly or indirectly ; but such corporations may become stockholders in corporations for works of internal improvements within the State, upon a vote of the citizens of such municipal corporation, under such restrictions as to the mode and amount of subscription as the General Assembly may prescribe ;

Upon the question of adopting the same, the yeas and nays were demanded, and it was decided in the negative, as follows :

YEAS.

Messrs. Bunker,  
Clarke, of Johnson,

Messrs. Harris,  
Marvin,

Messrs. Edwards,  
Gibson,  
Gillaspy,  
Gower,

Messrs. Peters,  
Scott,  
Seely,  
Winchester,

Young—13.

# NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamahee,  
Day,  
Ells,  
Gray,  
Hall,  
Johnston,  
Palmer,

Messrs. Parvin,  
Patterson,  
Price,  
Robinson,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Wilson,

Springer, (Prest.,) 19.

Mr. Clarke, of Henry, offered the following amendment to the Fourth Section as amended :

Nor shall the bonds or other evidences of debt of any municipal or political corporation be given or granted, or its credit loaned directly or indirectly, or pledged as security for the benefit of any banking corporation : nor for any other corporation or purpose whatever, to an amount in the aggregate exceeding Two Hundred Thousand Dollars, but no municipal or political corporation shall give bonds or become indebted in any manner to an amount not exceeding in the aggregate five per cent. on the value of the taxable property within such corporation, which value shall be ascertained by the last State and county tax list ;

Mr. Edwards offered the following as a Substitute for said amendment :

“But such incorporations shall be allowed to take stock in any work for internal improvement purposes in an amount not exceeding ten per cent. on the taxable property of such incorporation by the last assessment list ;”

Upon the question of agreeing to said Substitute, the yeas and nays were demanded, and it was decided in the negative, as follows :

# YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Gibson,  
Gower,

Messrs. Harris,  
Marvin,  
Peters,  
Seely,  
Traer—10.

## NAYS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamakee,  
 Day,  
 Ells,  
 Gillaspy,  
 Gray,  
 Hall,  
 Johnston,  
 Palmer,  
 Parvin,

Messrs. Patterson,  
 Price,  
 Robinson,  
 Scott,  
 Skiff,  
 Solomon,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,  
 Springer (P.,) 22.

On motion, the words "five per cent" in the latter part of said amendment was stricken out.

Mr. Clarke, of Johnson, moved to fill the blank in said amendment by inserting the words "eight per cent ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
 Clarke, of Johnson,  
 Edwards,  
 Ells,  
 Gibson,  
 Gower,

Messrs. Marvin,  
 Peters,  
 Scott,  
 Seely,  
 Skiff,  
 Traer,

Springer, (Prest.,)—13.

## NAYS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamakee,  
 Day,  
 Gillaspy,  
 Gray,  
 Hall,  
 Harris,  
 Johnston,

Messrs. Palmer,  
 Parvin,  
 Patterson,  
 Price,  
 Robinson,  
 Solomon,  
 Warren,  
 Wilson,  
 Winchester,

Young—19.

Mr. Young moved to fill the blank in said amendment by inserting the words "seven per cent ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Ells,  
 Gibson,  
 Gower,  
 Harris,  
 Marvin,

Messrs. Peters,  
 Scott,  
 Seely,  
 Skiff,  
 Traer,  
 Warren,  
 Young,  
 Springer, (P.) 16.

## NAYS.

Messrs. Ayers,  
 Clark, of Alamakee,  
 Day,  
 Edwards,  
 Gillaspy,  
 Gray,  
 Hall,  
 Johnston,

Messrs. Palmer,  
 Parvin,  
 Patterson,  
 Price,  
 Robinson,  
 Solomon,  
 Wilson,  
 Winchester—16.

Mr. Clarke, of Johnson, moved to fill the blank in said amendment by inserting the words "six per cent ;"

Upon this question, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Clarke, of Alamakee,  
 Ells,  
 Gibson,  
 Gower,  
 Harris,

Messrs. Marvin,  
 Scott,  
 Skiff,  
 Traer,  
 Warren,  
 Wilson,  
 Young,  
 Springer, (P.) 16.

## NAYS.

Messrs. Ayers,  
 Day,  
 Edwards,  
 Gillaspy,  
 Gray,  
 Hall,  
 Johnston,  
 Palmer,

Messrs. Parvin,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Seely,  
 Solomon,  
 Winchester—16.

On motion of Mr. Clarke, of Johnson, a call of the House was ordered ;

Whereupon, the following gentlemen answered to their names, *viz* :

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Johnston,  
Marvin,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, [P.] 32.

Messrs. Todhunter, Emerson and Hollingsworth were then severally excused,

And further proceedings under the call were dispensed with.

Mr. Marvin moved that the amendment offered to the Fourth Section, be laid upon the table ;

Which motion was not agreed to.

Mr. Clarke, of Henry, moved to reconsider the vote by which the words "five per cent." were stricken out of the amendment offered to the Fourth Section ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Ells,  
Gray,

Messrs. Marvin,  
Scott,  
Skiff,  
Warren,

Springer, (Prest.,)—9.

#### NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnston,

Messrs. Johnston,  
Palmer,  
Parvin,

Messrs. Day,  
Edwards,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Seely,  
Traer,  
Winchester,

Young,—21.

Mr. Gibson moved to fill the blank in said amendment, by inserting the words “eleven per cent.,”

Which was not agreed to.

Mr. Marvin moved to fill the blank in said amendment by inserting the words “nine per cent.,”

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

#### YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Gibson,  
Gower,  
Harris,  
Marvin,

Messrs. Peters,  
Scott,  
Seely,  
Skiff,  
Traer,  
Warren,

Springer, (Prest.,)—13.

#### NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamahee,  
Day,  
Edwards,  
Gillaspy,  
Gray,  
Hall,

Messrs. Johnston,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Winchester,  
Young,—16.

Mr. Clarke, of Henry, by unanimous consent of the Convention, then withdrew the amendment offered by him to the Fourth Section.

Mr. Clarke, of Johnson, offered the following amendment to the Fourth Section as amended:

“But such corporations may become stockholders in corporations for the construction of works of internal improvement within the State, upon a vote of the citizens of such political or municipal corporation, not to exceed six per cent. on the assessed value of the real and personal property of such corporation ;”

Mr. Edwards moved to amend the amendment by striking out the words "six per cent." and insert the words "eight per cent. ;"

Which was not agreed to.

Mr. Hall moved to amend the amendment by adding thereto as follows :

"*Provided*, That property reserved as a homestead, and such as may be by law exempt from attachment and sale on execution, shall not be sold for taxes levied to pay interest on loans voted by the people to aid corporations ;"

Which was not agreed to.

Mr. Clarke, of Henry, offered the following as a substitute for the amendment :

"No political or municipal corporation shall become a stockholder in, or loan its credit, or become security directly or indirectly to, any other corporation ;"

Mr. Johnston moved that the substitute be laid upon the table ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,  
Johnston,  
Marvin,  
Palmer,

Messrs. Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Warren,  
Winchester,  
Young,  
Springer, (P.) 22.

#### NAYS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,

Messrs. Ells,  
Gray,  
Skiff,  
Traer,—8.

It was then moved that the amendment offered to the Fourth Section be laid upon the table ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clark, of Alamakee,  
Day,  
Gibson,  
Gillaspy,  
Hall,  
Johnston,  
Palmer,

Messrs. Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Springer, (P) 16.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Gower,

Messrs. Gray,  
Marvin,  
Skiff,  
Traer,  
Warren,  
Winchester,

Young,—13.

Mr. Skiff moved to reconsider the vote by which the substitute offered by Mr. Clarke of Johnson, for the Fourth Section, as amended, was lost ; Which motion was not agreed to.

Mr. Clarke, of Henry, then renewed the amendment to the Fourth Section, as amended, before offered by him, and which the Convention had granted unanimous leave to withdraw ;

Mr. Clarke, of Johnson, moved to strike out of said proposed amendment the words " Two Hundred Thousand Dollars ;"

Which motion was disagreed to.

Upon the question of agreeing to said amendment, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Young,—5.

Messrs. Marvin,  
Skiff,

## NAYS.

Messrs. Ayres,  
Bunker,  
Clarke, of Johnson,  
Day,  
Edwards,  
Ells,

Messrs. Johnston,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,

Messrs. Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,

Messrs. Robinson,  
Scott,  
Seely,  
Traer,  
Warren,  
Winchester,

Springer, (Prest.),—25.

Mr. Palmer moved to amend the Thirteenth Section of the Report by adding thereto as follows: "But shall be forbidden under penalty of forfeiture of their corporate privileges;" thereby making it read as follows:

"SEC. 13. The suspension of specie payments by banking institutions shall never be permitted or sanctioned, but shall be forbidden under penalty of forfeiture of their corporate privileges;"

Which motion was disagreed to.

Mr. Wilson moved to strike out the Eleventh Section of the Report;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

#### YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Gower,  
Hall,  
Peters,  
Scott,

Messrs. Skiff,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P) 14.

#### NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamaakee,  
Day,  
Ells,  
Gibson,  
Gillaspy,  
Gray,

Messrs. Harris,  
Johnston,  
Marvin,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,

Seely,—17.

Mr. Traer moved to strike out all from the Sixth to the Sixteenth Sections of the Report, inclusive;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Gibson,  
Hall,

Messrs. Peters,  
Skiff,  
Traer,  
Warren,

Young—9.

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Gillaspy,  
Gower,  
Gray,  
Harris,

Messrs. Johnson,  
Marvin,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Seely,  
Wilson,  
Winchester,

Springer, (Prest.) 21.

Mr. Clarke, of Johnson, offered the following as a Substitute for the Sixth, Seventh and Eighth Sections of the Report :

SECTION —. Banking institutions may be provided for by general law, under the following restrictions :

*First.* All bills, notes or other paper or evidence of debt, that may be issued for circulation as money, shall be based upon the stocks of the United States, or the stocks of interest-paying States, deposited with the proper officer of State, at the rate of not less than one hundred and twenty dollars (estimating said stock at their market value in New York, but in no instance above their par value) for every one hundred dollars of paper so issued, which may be increased or diminished as the said stocks may increase or diminish in value.

*Second.* All paper of any such institution intended to circulate as money, shall be registered in the office of the proper State officer, and countersigned by such officer.

*Third.* In case of the insolvency of any banking institutions; the bill holders shall have a preference over all other creditors; and the General Assembly may provide for the conversion of the stocks deposited by such institution into money, and the redemption of its bills.

*Fourth.* The suspension of specie payments of banking institutions shall never be sanctioned by law.

*Fifth.* Upon the failure of any banking institution to redeem its

bills, or other paper issued to circulate as money, such institution shall forfeit all its rights, and it shall be the duty of the proper legal officer, to commence proceedings in the manner prescribed by law, to close up its business, and liquidate its indebtedness ; and such institutions shall have no power, after such failure, to redeem or to transfer any of its property.

*Sixth.* The issue of any bills, or other evidences of debt, intended to circulate as money, by any banking institution, without being secured and countersigned as hereinbefore required, shall be deemed a forfeiture of all rights by such institution, and the same shall be closed.

Upon the question of agreeing to said Substitute, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Gower,  
Young—7.

Messrs. Peters,  
Traer,  
Warren,

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Harris,  
Johnston,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Wilson,  
Winchester,  
Springer, (P.) 24.

On motion of Mr. Peters,  
The Convention then adjourned.

## THURSDAY MORNING, FEBRUARY 12, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Wilson moved that the Report of the Committee on Incorporations, as amended, be referred to a Select Committee of five ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Bunker,	Messrs. Peters,
Clarke, of Johnson,	Scott,
Clark, of Alamakee,	Seely,
Ells,	Solomon,
Gower,	Traer,
Hollingsworth,	Warren,
Marvin,	Wilson,
Parvin,	Young,
Springer, [Prest.,]	—17.

## NAYS.

Messrs. Ayers,	Messrs. Hall,
Clarke, of Henry,	Harris,
Day,	Johnston,
Edwards,	Palmer,
Gibson,	Patterson,
Gillaspy,	Price,
Gray,	Robinson,
Winchester—15.	

The President then announced Messrs. Wilson, Hall, Young, Price, and Bunker as said Committee:

On motion of Mr. Parvin,

The Convention then resolved itself into Committee of the Whole, Mr. Harris in the Chair, upon the consideration of the majority report

of the Committee on Judicial Department: and, after some time spent therein, the Committee rose:

The Convention having again come to order,

The Chairman of the Committee of the Whole reported that progress had been made in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

On motion of Mr. Peters,

The Convention then adjourned.

#### THURSDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Convention resolved itself into Committee of the Whole, Mr. Harris, in the Chair, upon the consideration of the majority Report of the Committee on Judicial Department; and, after some time spent therein, the committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole stated that they had concluded the consideration of the subject before them, and that he was instructed to report back to the Convention, the following Substitute for the majority report of the Committee on Judicial Department:

1. The Judicial power shall be vested in a Supreme Court, District Courts, and such other courts, inferior to the Supreme Court, as the General Assembly may from time to time establish.
2. The Supreme Court shall consist of a Chief Justice and three Associates, three of whom shall be a quorum to hold court.
3. The Judges of the Supreme Court shall be elected by the qualified voters of the State, and shall hold their courts at such time and place as the General Assembly may direct, and hold their offices for six years, and until their successors are elected and qualified, and shall be ineligible to any other office during the term for which they may be elected. The Supreme Court shall have appellate jurisdiction only in all cases in

chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the General Assembly may by law prescribe. The Supreme Court may have power to issue all writs and process necessary to do justice to parties, and exercise a supervisory control over all inferior judicial tribunals, and the Judges of the Supreme Court shall be conservators of the peace throughout the State.

4. The District Court shall consist of a Judge, who shall be elected by the qualified voters of the district in which he resides, at the general election, and hold the office for the term of five years, and until his successor is elected and qualified, and shall be ineligible to any other office, except that of Supreme Judge, during the term for which he may be elected. The District Court shall be a court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law. The judges of the district courts shall be conservators of the peace in their respective districts. The first session of the General Assembly shall divide the state into ten districts; after the year 1860, and not before, the General Assembly may re-organize the judicial districts, and increase or diminish the number of districts, or the number of Judges of the Supreme or District Courts; but such increase or diminution shall not be more than one district, or one judge of either court at a time; and no re-organization of the districts, or diminution of the judges shall have the effect of removing a judge from office. Such re-organization of the districts, or increase or diminution of the judges shall take place every five years thereafter, if necessary, and at no other time.

5. The qualified voters of each Judicial District, shall, at the time of electing district judge, elect a prosecuting attorney who shall be a resident of the district for which he is elected, who shall hold his office for the term of five years and until his successor is elected and qualified.

6. The style of all process shall be "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

7. It shall be the duty of the General Assembly to make such provisions by law as shall be necessary for the carrying into effect of this Article and to provide for a regular system of practice in all the courts of the State.

Said report of the Committee of the Whole was accepted by the Convention, and the Committee were discharged.

On motion of Mr. Peters,  
The Convention then adjourned.

## FRIDAY MORNING, FEBRUARY 13, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Clarke, of Henry, asked and obtained leave of absence for Mr. Parvin, from the sittings of the Convention until Monday next.

The President laid before the Convention the following communication:

"CITIZENS LIBRARY ASSOCIATION,  
Iowa City, Feb., 12, 1857.

HON. FRANCIS SPRINGER,

*President Constitutional Convention :*

SIR:—In behalf of the "Citizens Library Association" of this city, it affords me pleasure to extend to the members of the body over which you preside the privileges of their Reading Rooms, during their stay in our city. You will please make this known to them. The rooms are open from 8 o'clock, A. M., until 10 o'clock, P. M., each day except Sundays.

I am,  
Truly Yours,

C. W. HOBART,  
President."

Which, having been read,

Mr. Clarke, of Henry, offered the following resolution :

*Resolved*, That the thanks of this Convention be tendered to the "Citizens Library Association" for their generous proffer of the liberty of their rooms : and

The same was unanimously adopted.

Mr. Winchester moved, that the Report of the Committee of the Whole made last evening in relation to the Judicial Department, be laid upon the table ;

Which motion was disagreed to.

The Convention then proceeded to the consideration of the Report of the Committee of the Whole in relation to the Judicial Department, being a Substitute for the Majority Report of the Standing Committee upon that subject:

The First Section of said Substitute being under consideration, as follows:

1. "The Judicial power shall be vested in a Supreme Court, District Courts, and such other courts inferior to the Supreme Court as the General Assembly may from time to time establish,"

Mr. Solomon moved to amend the same by adding to the end of the section as follows:

"*Provided*, the creation of such other court or courts does not involve the election of Judges other than those provided for in this Article;"

Which motion was disagreed to.

The Second Section of said Substitute being under consideration, as follows:

2. The Supreme Court shall consist of a Chief Justice and three Associates, three of whom shall be a quorum to hold court ;"

Mr. Wilson moved to amend by striking out the word "three" where it occurs in said section, and inserting the word "two ;"

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows:

#### YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gillaspy,  
Gower,  
Gray,  
Harris,

Messrs. Hollingsworth,  
Johnston,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, [P.,] 20.

#### NAYS.

Messrs. Clarke, of Johnson,  
Day,  
Emerson,  
Gibson,  
Hall,  
Marvin,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon—12.

The Third Section of said Substitute being under consideration, as follows :

3. "The Judges of the Supreme Court shall be elected by the qualified voters of the State and shall hold their courts at such time and place as the General Assembly may direct, and hold their offices for six years, &c."

Mr. Palmer moved to amend the same by striking out the word "six" and inserting the word "four ;"

Which motion was disagreed to.

The Fourth Section of said Substitute being under consideration, as follows :

4. The District Court shall consist of a judge who shall be elected by the qualified voters of the district in which he resides at the general election and hold his office for the term of five years, and until his successor is elected and qualified, and shall be ineligible to any other office except that of Supreme Judge during the term for which he may be elected. The District Court shall be a court of law and equity which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law. The Judges of the District Court shall be conservators of the peace in their respective districts. The first session of the General Assembly shall divide the State into ten districts. After the year 1860, and not before, the General Assembly may re-organize the judicial districts and increase or diminish the number of districts or the number of Judges of the Supreme or District Courts, but such increase or diminution shall not be more than one district, or one judge of either court at a time, and no reorganization of the districts, or diminution of the judges shall have the effect of removing a judge from office. Such reorganization of the districts, or increase, or diminution of the judges, shall take place every five years thereafter, if necessary, and at no other time,

Mr. Gillaspy moved to amend the same, by striking out the word "five" near the commencement of said section ;

Which motion was agreed to.

Mr. Gillaspy then moved to fill the blank with the word "four ;"

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

YEAS.

Messrs. Ayers,  
Clark, of Alamakee,  
Day,

Messrs. Palmer,  
Patterson,  
Peters,

Messrs. Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Harris,  
Hollingsworth,  
Johnston,  
Marvin,

Messrs. Robinson,  
Scott,  
Seely,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young—24.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Springer, [Prest.],—7.

Messrs. Ells,  
Gower,  
Hall,

Mr. Gower moved to amend said section by striking out the word "ten" near the middle thereof, and inserting the word "thirteen ;"

Mr. Clarke, of Johnson, moved that there be a division of the question;

Which was agreed to.

Upon the question of agreeing to the motion of striking out the word "ten" the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Ells,

Messrs. Gower,  
Palmer,  
Peters,

Seely—7.

## NAYS.

Messrs. Ayres,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Marvin,  
Patterson,  
Price,  
Robinson,  
Scott,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, [Prest.],—25.

The Fifth Section of said Substitute being under consideration, as follows :

5. The qualified voters of each Judicial District shall at the time of electing district judge elect a Prosecuting Attorney who shall be a resident of the District for which he is elected, who shall hold his office for the term of five years, and until his successor is elected and qualified ;

Mr. Wilson moved to amend said section by striking out the word "five" and inserting the word "four ;"

Which motion was agreed to.

Mr. Clarke, of Johnson, moved to strike out said Section ;

Upon the question of agreeing to said motion the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Ells,

Messrs. Gibson,  
Gower,  
Gray—6.

#### NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gillaspy,  
Hall,  
Harris,  
Hollingsworth,  
Johnston.  
Marvin,  
Palmer,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, [P.] 26.

Mr. Clarke, of Johnson, moved to amend the Fourth Section of said Substitute, by adding thereto as follows :

"At the first election of Supreme Judges they shall be so classified under provisions of law that one of the Supreme Court Judges shall go out of office every two years. The Justice of the Supreme Court having the shortest term at the first election shall be Chief Justice, and after the expiration of his term the Justice holding the shortest term shall be Chief Justice ;"

Which motion was agreed to.

Mr. Palmer moved the following as additional sections to said Substitute :

8. The qualified electors of each county shall elect, at such times as may be prescribed by law, one Sheriff, and one Clerk of the District Court who shall be residents therein and hold their several offices for the term of two years and until their successors are elected and qualified.

9. When any vacancy shall occur in the office of any judge of the Supreme or District Courts before the expiration of the regular term for which he was elected the same shall be filled by appointment by the Governor until it shall be supplied at the next general election, when it shall be filled by election for the residue of the unexpired term ;

Mr. Clarke, of Johnson, offered the following, as a Substitute for said proposed sections :

8. In case the office of any Judge of the Supreme or District Courts shall become vacant before the expiration of the regular term for which he was elected the vacancy may be filled by appointment by the Governor until it shall be supplied at the next general election, when it shall be filled by election for the residue of the unexpired term ;

Which Substitute, as well as the proposed sections, were severally disagreed to.

Mr. Clarke, of Johnson, moved the following as an additional section to said Substitute :

8. The General Assembly shall provide by law for the election of Attorney General by the people ;

Upon the question of agreeing to the same, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hollingsworth,

Messrs. Marvin,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer [P.] 18.

#### NAYS.

Messrs. Day,  
Emerson,

Messrs. Johnston,  
Palmer,

Messrs. Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,

Solomon—13.

Mr. Clarke, of Johnson, offered the following as an additional section to said Substitute :

9. The salary of each Judge of the Supreme Court shall not be less than three thousand dollars per annum, nor shall the salary of each Judge of the District Court be less than two thousand five hundred dollars per annum. After the year 1860 the General Assembly shall have power to increase the salaries of the Judges of the Supreme and District Courts ; but the salary of no Judge of either Court shall be increased or diminished during his term of office ;

Pending the consideration of said section,

On motion of Mr. Palmer,

The Convention adjourned.

## FRIDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

Mr. Clarke, of Henry, gave notice that to-morrow or on some future day, he would offer the following resolution :

*Resolved*, That a Standing Committee of three be appointed for the revision, correction, engrossing, and enrolling of Reports which have passed their second reading.

Mr. Winchester offered the following resolution :

*Resolved*, That the Convention will adjourn *sine die* on the 23d instant ;

Mr. Bunker moved that said resolution be laid on the table.

On motion of Mr. Hall, a call of the House was ordered ;

Whereupon, the following gentlemen answered to their names :

Messrs. Ayers,  
 Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Clark, of Alamakee,  
 Day,  
 Edwards,  
 Ells,  
 Emerson,  
 Gibson,  
 Gray,  
 Hall,  
 Harris,  
 Hollingsworth,

Messrs. Marvin,  
 Palmer,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Scott,,  
 Seely,  
 Traer,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,  
 Springer, [P.] 28.

Mr. Young asked leave of absence for Mr. Skiff, and Mr. Marvin for Mr. Gower :

Which requests were severally granted.

The Sergeant-at-Arms having been despatched for the absentees, upon his return,

Mr. Clarke, of Johnston, moved that further proceedings under the call be dispensed with ;

Which was agreed to.

The question then being upon the motion of Mr. Bunker to lay the resolution relative to adjournment upon the table,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
 Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Clark, of Alamakee,  
 Day,  
 Edwards,  
 Ells,  
 Emerson,  
 Gibson,

Messrs. Gray,  
 Hollingsworth,  
 Marvin,  
 Palmer,  
 Scott,  
 Seely,  
 Traer,  
 Warren,  
 Wilson,  
 Young,

Springer, (Prest.)—21.

#### NAYS.

Messrs. Gillaspay,  
 Hall,

Messrs. Patterson,  
 Peters,

Messrs. Harris,  
Johnston,

Messrs. Price,  
Robinson,  
Winchester—9.

The Convention then resumed the consideration of the subject pending at the time of the adjournment this morning.

The question being upon agreeing to the additional section offered by Mr. Clarke, of Johnson, to the Substitute reported by the Committee of the Whole for the majority report of the Judicial Department,

Mr. Wilson moved to strike out the words "three thousand" and the words "two thousand five hundred" in said proposed section ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Gibson,  
Gillaspy,  
Gray,  
Harris,  
Hollingsworth,  
Johnston,  
Springer, (Prest.,)—25.

Messrs. Marvin,  
Palmer,  
Patterson,  
Price,  
Robinson,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

## NAYS.

Messrs. Clarke, of Johnson,  
Ells,

Messrs. Emerson,  
Hall,

Peters—5.

Mr. Winchester offered the following Substitute for said proposed section :

The salary of each judge of the Supreme Court shall be not less than two thousand, nor more than three thousand dollars per annum, and the salary of each District Judge shall not be less than fifteen hundred nor more than twenty-five hundred dollars : nor shall their salary be increased or diminished during their term of office.

Upon the question of agreeing to the same the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Johnston,  
Clark, of Alamakee,  
Winchester—5.

Messrs. Emerson,  
Patterson,

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Day,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Hollingsworth,  
Johnston,

Messrs. Marvin,  
Palmer,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Young,  
Springer, [P.] 24.

Mr. Bunker moved to fill the first blank in said proposed section by inserting the words "twenty-five hundred ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Emerson,  
Hall,  
Hollingsworth,

Messrs. Marvin,  
Patterson,  
Price,  
Traer,  
Warren,  
Young,  
Springer, (P.) 14.

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Gibson,  
Gillaspy,  
Gray,  
Harris,

Messrs. Johnston,  
Palmer,  
Peters,  
Robinson,  
Scott,  
Seely,  
Wilson,  
Winchester—16.

Mr. Gillaspv moved to fill the first blank with the words "two thousand ;"

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamahee,  
Day,  
Gibson,  
Gillaspy,  
Gray,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Palmer,  
Patterson,  
Robinson,  
Scott,  
Seely,  
Traer,  
Wilson,  
Young—18.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Emerson,  
Hall,

Messrs. Marvin,  
Peters,  
Price,  
Warren,  
Winchester,  
Springer, (P.) 12.

Mr. Gillaspv moved to fill the second blank in said proposed section by inserting the words "fifteen hundred ;"

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamahee,  
Day,  
Edwards,  
Gibson,  
Gillaspy,  
Gray,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Palmer,  
Patterson,  
Robinson,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Young,—20.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Ells,  
Emerson,  
Hall,

Messrs. Marvin,  
Peters,  
Price,  
Winchester,  
Springer, (P.) 10.

Mr. Gibson moved to strike out all of said proposed section as amended to the word "After" near the middle thereof, and insert as follows: "The salary of each Judge of the Supreme Court shall be two thousand dollars per annum, and the salary of each Judge of the District Court shall be fifteen hundred dollars per annum;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Ayers,  
Day,  
Gibson,

Messrs. Gillaspy,  
Palmer,  
Robinson—6.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Emerson,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Marvin,  
Patterson,  
Peters,  
Price,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, [P.] 24.

Mr. Warren moved to reconsider the vote by which the second blank in said proposed section was filled with the words "fifteen hundred;"

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Day,  
Edwards,  
Ells,  
Emerson,  
Hall,  
Marvin,  
Patterson,

Messrs. Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,) 21.

## NAYS.

Messrs. Clarke, of Henry,  
Clark, of Alamahee,  
Gibson,  
Gillaspy,

Messrs. Gray,  
Harris,  
Hollingsworth,  
Johnston,

Palmer—9.

Mr. Warren moved that the second blank in said proposed section be filled with the words "two thousand ;"

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Day,  
Ells,  
Emerson,  
Hall,  
Marvin,  
Patferson,

Messrs. Peters,  
Price,  
Robinson,  
Solomon,  
Traer,  
Warren,  
Winchester,  
Springer, (P.) 16.

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamahee,  
Edwards,  
Gibson,  
Gillaspy,  
Gray,

Messrs. Harris,  
Hollingsworth,  
Johnston,  
Palmer,  
Seely,  
Wilson,  
Young—14.

Mr. Edwards moved to reconsider the vote by which the first blank in said proposed section was filled with the words "two thousand ;"

Upon this question, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Emerson,  
Hall,  
Hollingsworth,

Messrs. Marvin,  
Peters,  
Price,  
Solomon,  
Traer,  
Wilson,  
Winchester,

Springer, (Prest.,)—15.

## NAYS.

Messrs. Ayers,	Messrs. Johnston,
Clarke, of Henry,	Palmer,
Clarke, of Alamakee,	Patterson,
Day,	Robinson,
Gibson,	Scott,
Gillaspy,	Seely,
Gray,	Wilson,
Harris,	Young—16.

Mr. Wilson offered the following substitute for said proposed section, as amended ;

“The salaries of the Supreme and District Judges shall be determined by the General Assembly ;”

Upon the question of agreeing to the same, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Henry,	Messrs. Seely,
Clark, of Alamakee,	Traer,
Gray,	Wilson,
Palmer,	Young,
Scott,	Springer, (P.) 10.

## NAYS.

Messrs. Ayers,	Messrs. Harris,
Bunker,	Hollingsworth,
Clarke, of Johnson,	Johnston,
Day,	Marvin,
Edwards,	Patterson,
Ells,	Peters,
Emerson,	Price,
Gibson,	Robinson,
Gillaspy,	Solomon,
Hall,	Winchester—20.

Mr. Bunker offered the following substitute for said proposed section, as amended :

“The salaries of the Supreme Judges shall be twenty-five hundred dollars each and the salary of the District Judges shall be two thousand dollars each until 1860, after which time their salaries may be fixed by the Legislature, but shall never exceed four thousand dollars each ;”

Upon the question of agreeing to the same, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,	Messrs. Ells,
Clarke, of Johnson,	Emerson,
Springer, (Prest.,)—5.	

## NAYS.

Messrs. Ayres,	Messrs. Johnston,
Clarke, of Henry,	Palmer,
Clark, of Alamahee,	Patterson,
Day,	Peters,
Edwards,	Price,
Gibson,	Scott,
Gillaspy,	Seely,
Gray,	Solomon,
Hall,	Traer,
Harris,	Wilson,
Hollingsworth,	Winchester,

Young—23.

Mr. Wilson moved to strike out the first part of said proposed section, as amended, up to the word "After" near the middle thereof :

Upon the question of agreeing to said motion the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Clarke, of Henry,	Messrs. Hollingsworth,
Clark, of Alamahee,	Johnston,
Day,	Scott,
Edwards,	Seely,
Gibson,	Traer,
Gillaspy,	Wilson,
Gray,	Young,
Harris,	Springer, (P.) 16.

## NAYS.

Messrs. Ayers,	Messrs. Marvin,
Bunker,	Palmer,
Clarke, of Johnson,	Peters,
Ells,	Price,
Emerson,	Robinson,
Hall,	Solomon,

Winchester—13.

On motion of Mr. Hall,  
The Convention then adjourned.

## SATURDAY MORNING, FEBRUARY 14, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Scott presented the petition of E. B. Hutchinson and eighty-five others, residents of Clayton county, praying the present section of the Constitution, regulating the boundaries of counties, be stricken out, and that the same be left to the people to determine;

Which was read, and, on motion, was referred to the Committee on Miscellaneous Matter.

The resolution of Mr. Clarke, of Henry, offered by him yesterday, was then taken up for consideration, as follows:

*Resolved*, That a Standing Committee of three be appointed for the revision, correction, engrossing and enrolling of Reports which have passed their third reading:

Said resolution having been read, the same was adopted.

Mr. Clark, of Alamakee, offered the following:

*Resolved*, That a Special Committee of three be appointed to inquire into and report the cause of the delay in printing the reports of this Convention;

Mr. Hall moved that the resolution be laid upon the table;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Hall,

Messrs. Hollingsworth,  
Palmer,  
Price,  
Seely,  
Warren,

Young—11.

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,

Messrs. Marvin,  
Patterson,

Messrs. Clark, of Alamakee,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Harris,  
Johnston,

Messrs. Peters,  
Robinson,  
Scott,  
Solomon,  
Traer,  
Wilson,  
Winchester,  
Springer, (P.) 20.

Upon the question of adopting the resolution, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Harris,  
Johnston,

Messrs. Marvin,  
Patterson,  
Peters,  
Robinson,  
Scott,  
Solomon,  
Traer,  
Wilson,  
Winchester,  
Springer, (P.,) 20.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Hall,

Messrs. Hollingsworth,  
Palmer,  
Price,  
Seely,  
Warren,

## Young—11.

Whereupon, the President appointed as said Committee Messrs. Clark, of Alamakee, Gillaspy and Young.

Mr. Winchester offered the following :

*Resolved*, That this Convention do now adjourn until the second Monday of May next ;

Mr. Harris moved to amend said resolution so as to adjourn *sine die* on the third day of March next ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Edwards,  
Gibson,

Messrs. Johnston,  
Marvin,

Messrs. Hall,  
Harris,

Messrs. Palmer,  
Patterson,

Price—9.

NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Ells,  
Emerson,  
Gillaspy,  
Gray,  
Hollingsworth,

Messrs. Peters,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer (P.) 22.

Mr. Clark, of Alamakee, moved to amend said resolution by making the City of Dubuque the place to which the Convention shall adjourn; Which motion was not agreed to.

Mr. Harris moved to amend said resolution, by striking "the second day of May" and inserting "the first Monday in June;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

YEAS.

Messrs. Edwards,  
Gray,  
Harris,

Messrs. Palmer,  
Patterson,  
Robinson—6.

NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Hollingsworth,  
Springer, (Prest.,)—25.

Messrs. Johnston,  
Marvin,  
Peters,  
Price,  
Scott,  
Seely,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Mr. Hall offered the following Substitute for said resolution :

*Resolved*, That when this Convention adjourns on Monday next it will adjourn to meet at Davenport on the first Monday of June next ;

Mr. Peters moved to amend said Substitute by striking out "Davenport" and inserting "Dubuque;"

Which motion was not agreed to.

Mr. Winchester moved to amend said Substitute by striking out the word "June" and inserting the word "May;"

Which motion was agreed to.

Mr. Clark, of Alamakee, moved to strike out "Davenport" and insert "Iowa City" in said substitute ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Gillaspy,  
Gray,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Palmer,  
Price,  
Traer,  
Wilson,  
Winchester,  
Young,  
Springer, [P.,] 16.

#### NAYS.

Messrs. Clarke, of Henry,  
Day,  
Edwards,  
Ells,  
Emerson  
Gibson,  
Hall,

Messrs. Marvin,  
Patterson,  
Peters,  
Robinson,  
Scott,  
Seely,  
Solomon,,

Warren—15.

Mr. Wilson moved to indefinitely postpone the consideration of said substitute.

The Previous Question having been demanded,

Upon the question,

Shall the main question now be put?

The same was agreed to, a majority of the members present voting therefor.

The question then being upon the motion to postpone indefinitely said substitute,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gillaspy,  
Gray,  
Harris,

Messrs. Hollingsworth,  
Johnston,  
Marvin,  
Palmer,  
Price,  
Seely,  
Traer,  
Wilson,  
Young,

Springer, [Prest.,]—19.

## NAYS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Hall,  
Patterson,

Messrs. Peters,  
Robinson,  
Scott,  
Solomon,  
Warren,  
Winchester—12.

Mr. Scott moved that when the Convention adjourns, it will adjourn until Monday next at two o'clock, P. M.

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,

Messrs. Peters,  
Price,  
Scott,  
Seely,

Solomon—9.

## NAYS.

Messrs. Ayers,  
Clark, of Alamahee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,

Messrs. Johnston,  
Marvin,  
Palmer,  
Patterson,  
Robinson,  
Traer,  
Warren,

Messrs. Gray,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Wilson,  
Winchester,  
Young,  
Springer, [P.,] 22.

The resolution offered by Mr. Ells on Tuesday last, and which was amended and laid upon the table, was then taken up, as follows :

*Resolved*, That no member shall be allowed to speak more than twice on any one subject, nor more than twenty-five minutes at one time, after said subject has once been considered in Committee of the Whole ;

Mr. Edwards offered the following substitute for said resolution as amended :

*Resolved*, That no member shall be permitted to speak more than once on any one question, and then not to exceed twenty minutes ;

Mr. Winchester moved to amend said substitute by striking out the word "twenty" and inserting the word "fifteen;"

Which motion was agreed to.

Said substitute, as amended, was then adopted.

Mr. Hall offered the following :

*Resolved*, That this Convention will adjourn *sine die* on or before the fourth day of March, 1857 ;

Mr. Gillaspay moved to strike out the words "fourth day of March" and insert "twenty-fifth day of February ;"

The question having been raised, and the Chair having decided that the motion of Mr. Hall was now in order,

Mr. Traer took an appeal from the decision of the Chair ;

Upon the question ;

Shall the decision of the Chair be sustained ?

It was decided in the affirmative.

Mr. Young moved that said resolution be laid upon the table ;

Upon this question, the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,

Messrs. Marvin,  
Scott,  
Seely,  
Traer,

Messrs. Ells,  
Gray,  
Hollingsworth,

Messrs. Wilson,  
Young,  
Springer, [P.] 14.

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon,  
Winchester—16.

Mr. Young moved to postpone the consideration of said resolution until the fourth day of March next ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Gray,  
Hollingsworth,

Messrs. Marvin,  
Scott,  
Seely,  
Traer,  
Wilson,  
Young,

Springer, (Prest.,)—13.

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Day,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon,  
Warren,  
Winchester—18.

Mr. Scott moved that the Convention do now adjourn ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,

Messrs. Scott,  
Seely,

Messrs. Ells,  
Hollingsworth,  
Marvin,  
Springer, [Prest.]—11.

Messrs. Traer,  
Wilson,  
Young,

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Hall,

Messrs. Harris,  
Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon,  
Warren,  
Winchester—20.

The question then receiving upon the motion of Mr. Gillaspy to amend said resolution,

The yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Day,  
Emerson,  
Gillaspy,  
Hall,

Messrs. Johnston,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon,

Winchester—13.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gibson,  
Gray,  
Harris,  
Hollingsworth,

Messrs. Marvin,  
Palmer,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Young,  
Springer, (P.) 18.

The question then being upon the adoption of the resolution, as offered by Mr. Hall,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,  
Marvin,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Solomon,  
Warren,  
Winchester,  
Young,  
Springer, [P.] 22.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Ells,

Messrs. Gray,  
Hollingsworth,  
Seely,  
Traer,

Wilson—9.

The Convention then resumed the consideration of the subject pending at the time of adjournment last evening :

The question being upon agreeing to the additional section, as amended, offered by Mr. Clarke, of Johnson, to the Substitute reported by the Committee of the Whole for the majority report of the Judicial Department,

Mr. Day moved to reconsider the vote of yesterday by which said proposed section was amended, by striking out all up to the word "after ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Johnson,  
Day,  
Ells,  
Emerson,  
Gray,  
Hall,

Messrs. Harris,  
Palmer,  
Patterson,  
Peters,  
Robinson,  
Solomon,  
Winchester—14.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,

Messrs. Marvin,  
Scott,

Messrs. Clark, of Alamakee,  
 Edwards,  
 Gibson,  
 Gillaspy,  
 Hollingsworth,  
 Johnston,

Messrs. Seely,  
 Traer,  
 Warren,  
 Wilson,  
 Young,  
 Springer [P.] 16.

Mr. Gray offered the following Substitute for said proposed section, as amended:

The salaries of the Judges of the Supreme Court shall be two thousand dollars, respectively, and that of the District Judges one thousand six hundred dollars, until the year 1860; after which time they shall severally receive such compensation as the General Assembly may by law establish which shall not be increased or diminished during the time for which they shall have been elected;

Mr. Patterson moved to amend said Substitute by striking out the words "one thousand six hundred" and inserting the words "one thousand eight hundred;"

Upon this question, the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Ayers,  
 Bunker,  
 Clarke, of Johnson,  
 Day,  
 Ells,  
 Hall,

Messrs. Patterson,  
 Robinson,  
 Solomon,  
 Traer,  
 Warren,  
 Winchester—12.

## NAYS.

Messrs. Clarke, of Henry,  
 Clark, of Alamakee,  
 Edwards,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gray,  
 Harris,  
 Hollingsworth,

Messrs. Johnston,  
 Marvin,  
 Palmer,  
 Peters,  
 Scott,  
 Seely,  
 Wilson,  
 Young,  
 Springer, [P.] 18.

Mr. Solomon moved to amend said Substitute by inserting between the words "Court" and "shall," near the beginning thereof, the words "who shall have been elected by the people;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Day,  
Emerson,  
Gibson,  
Gillaspy,

Messrs. Harris,  
Johnston,  
Palmer,  
Patterson,  
Peters,  
Solomon—12.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gray,  
Hall,  
Hollingsworth,  
Marvin,

Messrs. Robinson,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P.) 18.

The Previous Question having been demanded,

Upon the question,

Shall the main question be now put?

The same was agreed to, a majority of the members present voting therefor.

The question then being upon the adoption of said substitute,

The yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Gillaspy,  
Gray,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Marvin,  
Palmer,  
Patterson,  
Scott,  
Seely,  
Traer,  
Wilson,  
Young,  
Springer (P.) 20.

## NAYS.

Messrs. Clarke, of Johnson,  
Ells,  
Emerson,

Messrs. Peters,  
Robinson,  
Solomon,

Messrs. Gibson,  
Hall,

Messrs. Warren,  
Winchester—10.

The question now being upon the adoption of said substitute as an additional section to the Substitute reported by the Committee of the Whole,

The Previous Question was demanded,

And, upon the question,

Shall the main question be now put?

The same was agreed to, a majority of the members present voting therefor.

Upon the question of adopting said substitute,

The yeas and nays were demanded, and it was decided in the affirmative, as follows:

#### YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Day,  
Edwards,  
Gillaspy,  
Gray,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Marvin,  
Palmer,  
Patterson,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, [Prest.] 21.

#### NAYS.

Messrs. Clarke, of Johnson,  
Clark, of Alamakee,  
Ells,  
Emerson,

Messrs. Gibson,  
Hall,  
Peters,  
Robinson,

Solomon—9.

Mr. Clarke, of Johnson, moved to amend the Fourth Section of said Substitute reported by the Committee of the Whole, by striking out the words "The first session of the General Assembly shall divide the State into ten districts," and insert as follows:

"The State shall consist of ten districts and after the year 1860 the General Assembly may reorganize the judicial districts and increase or diminish the number of districts or the number of judges of the District Courts, but such increase or diminution shall not be more than one

district or one judge at a time, and no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office ; such reorganization of the districts or increase or diminution of the Judges shall take place every five years thereafter, if necessary, and at no other time ;

Which motion was agreed to.

Mr. Traer moved that when the Convention adjourns, it will adjourn until two o'clock on Monday afternoon next ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

# YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Ells,  
Hall,  
Hollingsworth,  
Marvin,  
Palmer,

Messrs. Peters,  
Robinson,  
Scott,  
Solomon,  
Traer,  
Warren,  
Wilson,

Young,—15.

# NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,

Messrs. Gillaspy,  
Gray,  
Harris,  
Johnston,  
Patterson,  
Seely,  
Winchester,

Springer, (Prest.) 15.

On motion of Mr. Young,

The Convention then adjourned.

## SATURDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

Mr. Gray moved that the Convention do now adjourn until two o'clock on Monday afternoon next.

On motion of Mr. Winchester, a call of the House was ordered ;

Whereupon, the following gentlemen answered to their names :

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Day,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Scott,  
Seely,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, [Prest.] 25.

On motion of Mr. Harris,

Messrs. Marvin, Clarke, of Johnson, and Todhunter were severally excused.

On motion of Mr. Traer,

Further proceedings under the call were dispensed with.

The question then being upon agreeing to the motion of Mr. Gray,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Ells,  
Emerson,  
Gray,

Messrs. Peters,  
Price,  
Scott,  
Seely,  
Solomon,

Messrs. Harris,  
Hollingsworth,  
Palmer,

Messrs. Traer,  
Warren,  
Wilson,

Young—17.

NAYS.

Messrs. Ayers,  
Day,  
Gibson,  
Gillaspy,

Messrs. Johnston,  
Patterson,  
Robinson,  
Winchester,

Springer, (Prest.) 9.

So the Convention then adjourned until Monday afternoon next at two o'clock.

## MONDAY AFTERNOON, FEBRUARY 16, 1857.

At two o'clock, P. M., the Convention came to order, the President in the Chair.

The reading of the Journal of Saturday's proceedings was dispensed with for the present.

The Convention then resumed the consideration of the Report of the Committee of the Whole in relation to the Judicial Department, being a Substitute for the Majority Report of the Standing Committee upon that subject;

Mr. Clarke, of Johnson, moved to refer said Substitute with the amendments made thereto, to the Committee on Judicial Department for the purpose of revision;

Which motion was agreed to.

Mr. Harris moved that said Committee be instructed to inquire into the propriety of so amending the Fourth Section of said Substitute as to make the number of Judicial Districts thirteen instead of ten.

Which motion was agreed to.

The Convention then resolved itself into Committee of the Whole, Mr. Patterson in the Chair, upon the consideration of the Report of the Committee on Distribution of Powers and Legislative Department; and, after some time spent therein, the committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported that progress had been made in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

On motion of Mr. Harris,

The Convention adjourned.



## TUESDAY MORNING, FEBRUARY 17, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of Saturday's proceedings, and that of yesterday, were read and approved.

To constitute the Standing Committee on revision, engrossment and enrollment, the President announced as follows, *viz*: Messrs. Clarke, of Henry, Johnston and Wilson.

The Convention then resolved itself into Committee of the Whole, Mr. Patterson in the Chair, upon the consideration of the Report of the Committee on Distribution of Powers and Legislative Department; and, after some time spent therein, the committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported that progress

had been in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

On motion of Mr. Traer,

The convention then adjourned.

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## TUESDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Convention then resolved itself into Committee of the Whole, Mr. Patterson in the Chair, upon the consideration of the report of the Committee on Distribution of Powers and Legislative Department; and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole stated that they had concluded the consideration of the subject before them, and reported the same back to the Convention with sundry amendments:

On motion,

Said report was received and the Committee were discharged.

The Report of the Committee on Distribution of Powers and Legislative Department, as amended in Committee of the Whole, was then taken up for consideration, the same being upon its second reading.

The Third Section of said Report being under consideration, as follows:

3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the second Tuesday in October, except the years of the Presidential election, when the election shall be on the Tuesday next after the first Monday in November; whose term of office shall continue two years from the Tuesday next after the first Monday in November; and,

The question being upon agreeing to the amendment made in Committee of the Whole to said section, by striking out the words "continue two years from the Tuesday next after the first Monday in Novem-

ber, and inserting the words "commence on the first day of January next succeeding such election, and continue two years ;"

The same was agreed to.

The Sixth Section of said Report being under consideration, as follows :

6. "The number of Senators shall not be less than one-third, nor more than one-half the Representative body. The present Senators shall remain in office during the term for which they were elected, and shall be divided into two classes. Those Senators whose term of office expires on the first Monday in August, 1858, shall be one class, and those Senators whose term of office expires on the first Monday in August, 1860, shall be the other class : so that one-half shall be chosen every two years ;" and

The question being upon agreeing to the amendment made in Committee of the Whole, by striking out all of said section after the words "Representative body" near the beginning thereof;

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,	Messrs. Marvin,
Clarke, of Johnson,	Palmer,
Clark, of Alamahee,	Patterson,
Emerson,	Peters,
Gibson,	Price,
Gillaspy,	Robinson,
Hall,	Solomon,
Harris,	Traer,
Johnston,	Young,
Springer, (P.)—19.	

#### NAYS.

Messrs. Clarke, of Henry,	Messrs. Parvin,
Edwards,	Scott,
Gower,	Seely,
Gray,	Warren,
Hollingsworth,	Wilson,
Winchester—11.	

The Seventh Section of said Report being under consideration, as follows :

7. "When the number of Senators is increased, they shall be annex-

ed by lot to one of the two classes, so as to keep them as nearly equal in number as practicable ;” and

The question being upon agreeing to the amendment made in Committee of the Whole to said section, by prefixing to the same the words, “The Senators shall be so classed by lot, that one-half shall be chosen every two years ;”

The same was agreed to.

The Twenty-first Section of said Report being under consideration, as follows :

21. The Governor, Secretary of State, Auditor, Treasurer, Judges of the Supreme and District Courts, Superintendent of Public Instruction and Attorney General, shall be liable to impeachment for any misdemeanor in office, &c., and,

The question being upon agreeing to the amendment made in Committee of the Whole to said section, by striking out the words “Superintendent of Public Instruction and Attorney General” and inserting the words “and all other officers of the State, ”

Mr. Winchester moved a substitute for said amendment, causing the section to read as follows :

21. The Governor, Supreme and District Judges, and all other State officers, shall be liable to impeachment for any misdemeanor in office, &c.

Which substitute was adopted and the amendment, as amended, was agreed to.

The Twenty-sixth section of said report being under consideration, as follows :

26. “Each member of the General Assembly shall receive a compensation to be fixed by law, for his services, to be paid out of the treasury of the State. Such compensation shall not exceed three dollars per day for the period of sixty days from the commencement of the session, and shall not exceed the sum of two dollars per day for the remainder of the session ; when convened in extra session by the Governor, they shall receive such sums per diem as shall be fixed for the first sixty days of the ordinary session. They shall also receive three dollars for every twenty miles they travel, in going to and returning from their place of meeting, on the nearest traveled route ;” and

The question being upon agreeing to the amendment made in Committee of the Whole to said section by substituting therefor, as follows :

26. "Each member of the first General Assembly under this Constitution shall receive the sum of three dollars per diem, and the sum of three dollars for every twenty miles they travel, in going to and returning from their place of meeting on the nearest traveled route; after which they shall receive such compensation as may be fixed by law; but no General Assembly shall have the power to increase the compensation of its members. And when convened in extra session they shall receive no greater compensation per diem than is fixed by law for the regular session;"

The same was agreed to.

The Twenty-seventh Section of said Report being under consideration, as follows:

27. "No law of the General Assembly, of a public nature, shall take effect until the fourth day of July next after the passage thereof. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State;" and

The question being upon agreeing to the amendment made in Committee of the Whole to said section by striking out the words "the fourth day of July next after the passage thereof" and inserting the words "ninety days after the adjournment of the General Assembly by which it was passed,"

Mr. Harris moved to amend said amendment so as to cause the section to read as follows:

27. "No law passed at a regular session of the General Assembly, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws passed at a special session shall take effect in ninety days after the adjournment of the General Assembly by which they were passed. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State;"

Which motion was agreed to.

And the amendment, as amended, was then agreed to.

The Thirty-first Section of said Report being under consideration, as follows:

31. "The General Assembly shall not pass local or special laws in the following cases: ,

"For laying out, opening, and working on roads or highways;" &c., and

The question being upon agreeing to the amendment made in Com-

mittee of the Whole to said section to insert among the prohibitory clauses as follows :

“For changing county boundaries, or locating or changing county seats ;”

Mr. Clarke, of Henry, moved to amend said amendment by striking out the words “changing county boundaries or ;”

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Gower,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Marvin,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Warren,  
Young,  
Springer, (P.) 18.

## NAYS.

Messrs. Clark, of Alamakee,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Palmer,

Messrs. Peters,  
Scott,  
Seely,  
Solomon,  
Traer,  
Wilson—12.

The question then being upon agreeing to the amendment as amended,

A call of the House was ordered, and the following gentlemen answered to their names :

Messrs. Ayers,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Traer,

Messrs. Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Warren,  
Wilson,  
Winchester,  
Young,

Springer [Prest.,] 31.

On motion, all further proceedings under the call were dispensed with; and

The amendment made in Committee of the Whole, as amended, was agreed to.

The Thirty-fifth Section of said Report being under consideration, as follows:

35. "The number of Senators and Representatives shall, at the next session following each period of making such enumeration, and the next session following each United States Census, be fixed by law, and apportioned among the several counties, according to the number of white inhabitants in each;" and

The question being upon agreeing to the amendment made in Committee of the Whole to said section by striking out the words "and Representatives" near the beginning thereof,

The same was agreed to.

The Thirty-sixth Section of said Report being under consideration, as follows:

36. "The Senate shall not consist of more than fifty members nor the House of Representatives of more than one hundred;" and

The question being upon agreeing to the amendment made in Committee of the Whole to said section, by striking out the words "one hundred" thereby leaving a blank,

The same was disagreed to.

The amendment of the Committee of the Whole to said Report to incorporate two new sections therein, as Sections Thirty-seven and Thirty-eight, respectively; being under consideration, as follows:

37. The House of Representatives shall be based upon the several counties of the State in the following manner; provided, that no Representative district shall contain more than four organized counties and shall be entitled to one Representative. Any district containing one or more counties and having a number of inhabitants equal to one-half the ratio fixed by law, shall be entitled to one representative, and any one county containing in addition to the ratio fixed by law a fraction of one-half that number shall be entitled to one additional representative, *Provided*, further, that no floating district shall hereafter be formed.

38. At its first session under this Constitution and at every subsequent session, the General Assembly shall proceed to fix the ratio of representation and also to form into districts as above provided those counties which will not be entitled to a representative singly under the provision of the preceding section;

Mr. Parvin moved to amend said amendment, by striking out the words "under the constitution, and at every subsequent session" near the beginning of said proposed section Thirty-eight, and inserting the words "after the taking of each census ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Ayers,	Messrs. Gray,
Clarke, of Henry,	Parvin,
Clarke, of Johnson,	Scott,
Ells,	Winchester,
Gower,	Young,
Springer, [Prest.,]—11.	

## NAYS.

Messrs. Clark, of Alamakee,	Messrs. Palmer,
Edwards,	Patterson,
Emerson,	Peters,
Gibson,	Price,
Gillaspy,	Robinson,
Hall,	Seely,
Harris,	Solomon,
Hollingsworth,	Traer,
Johnston,	Warren,
Marvin,	Wilson—20.

Mr. Traer moved to amend said amendment by inserting before the word "session" near the beginning of said proposed section Thirty-eight, the word "regular ;"

Which motion was agreed to.

Mr. Clarke, of Henry, moved to amend said amendment by striking out "one-half" where it occurs in said proposed section Thirty-seven, and inserting "two-thirds ;"

Which motion was not agreed to.

Upon the question of agreeing to the amendment of the Committee of the Whole, as amended,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,	Messrs. Johnston,
Clarke, of Henry,	Marvin,
Clarke, of Johnson,	Palmer,
Clark, of Alamakee,	Patterson,
Edwards,	Peters,
Ells,	Price,
Emerson,	Robinson,
Gibson,	Scott,
Gillaspy,	Seely,
Gray,	Solomon,
Gower,	Traer,
Hall,	Wilson,
Harris,	Winchester,
Hollingsworth,	Young,
Springer, (Prest.),—29.	

## NAYS.

Mr. Parvin,

Mr. Warren—2.

The Thirty-ninth Section of said Report being under consideration, as follows :

39. The annual salary of the Governor, shall not exceed twenty-five hundred dollars ; the Secretary and Auditor of State fifteen hundred dollars each ; Judges of the Supreme Court, twenty-five hundred dollars each ; Judges of the District Court two thousand dollars each ; and,

The question being upon agreeing to the amendment made in Committee of the Whole to said section by substituting therefor, as follows :

39. "The Governor, Secretary, Treasurer, Auditor of State and Attorney General, shall, at stated times, receive for their service as compensation to be established by law which shall neither be increased or diminished during the period for which they shall have been elected,"

The yeas and nays were demanded, and it was decided in the negative as follows :

## YEAS.

Messrs. Ayers,	Messrs. Scott,
Clarke, of Henry,	Seely,

Messrs. Clark, of Alamakee, Gibson, Gower, Marvin,	Messrs. Traer, Wilson, Winchester, Young,
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Springer, [Prest.,] 13.

## NAYS.

Messrs. Clarke, of Johnson, Edwards, Ells, Emerson, Gillaspy, Gray, Hall, Harris, Hollingsworth,	Messrs. Johnston, Palmer, Parvin, Patterson, Peters, Price, Robinson, Solomon, Warren—18.
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Mr. Clarke, of Alamakee, offered the following as an additional section to said Report :

“No special law changing the boundary lines of counties shall have effect, until upon being submitted to the people of the counties affected by the change, at a general election it shall receive a majority of all the votes cast in each county for and against it ;”

Mr. Peters moved to amend said proposed section by striking out the word “majority” and inserting “two-thirds ;”

Which motion was not agreed to.

Upon the question of agreeing to said proposed section, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers, Clarke, of Henry, Clark, of Alamakee, Ells, Emerson, Gibson, Gillaspy, Gower, Gray, Hollingsworth,	Messrs. Marvin, Palmer, Parvin, Robinson, Scott, Seely, Solomon, Traer, Wilson, Young—20.
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## NAYS.

Messrs. Clarke, of Johnson, Edwards,	Messrs. Patterson, Peters,
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Messrs. Hall,  
Harris,  
Johnston,

Messrs. Price,  
Warren,  
Winchester,  
Springer, (Prest.,) 11.

Mr. Warren moved to amend the Fourth Section of said Report by striking out the words "and have been an inhabitant of this State one year next preceding his election" near the middle thereof; and by striking out the words "thirty days" near the latter part thereof and inserting the words "one year"—causing said section to read as follows:

4. "No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, be a free white male citizen of the United States, and, at the time of his election have an actual residence of one year in the county or district he may be chosen to represent;"

Upon the question of agreeing to the same, the yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Clarke, of Johnson,  
Edwards,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Marvin,  
Palmer,

Messrs. Parvin,  
Scott,  
Solomon,  
Traer,  
Warren,  
Winchester,  
Young,  
Springer, [P.,] 16.

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,

Messrs. Harris,  
Johnston,  
Patterson,  
Peters,  
Price,  
Robinson,  
Seely,

Wilson—15.

On motion of Mr. Palmer,

The Convention then adjourned.

## WEDNESDAY MORNING, FEBRUARY 18, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

The consideration of the Report of the Committee on Distribution of Powers and Legislative Department, as amended in Committee of the Whole, was then resumed.

Mr. Clarke, of Johnson, moved to amend the Second Section of said Report by striking out the words "biennial and shall" and inserting the words "be annual for the first five years after the adoption of this Constitution, and biennially thereafter;" causing said section to read as follows :

2. The sessions of the General Assembly shall be annual for the first five years after the adoption of this Constitution, and biennially thereafter commence on the second Monday of January next ensuing the election of its members ; unless the Governor of the State shall, in the interim, convene the General Assembly by proclamation ;"

The question being upon agreeing to said amendment,

On motion,

A call of the House was ordered ; and the following gentlemen answered to their names :

Messrs. Ayers,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Ells,  
Emerson,  
Gibson,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Marvin,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, [Prest.] 27.

On motion, Messrs Bunker, Day, Todhunter, Skiff and Cotton were severally excused.

Mr. Young then moved that further proceedings under the call be dispensed with ;

Which motion was agreed to.

Mr. Gillaspy moved to amend said amendment by striking "five" out of the words to be inserted, and inserting "three ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Edwards,  
Ells,  
Emerson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Marvin,  
Palmer,  
Patterson,  
Peters,  
Robinson,  
Traer,

Winchester—13.

## NAYS.

Messrs. Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Gibson,  
Gower,  
Gray,  
Hollingsworth,  
Parvin,

Messrs. Price,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Warren,  
Wilson,  
Young,

Springer, (Prest.) 17.

The question then recurring upon the amendment offered by Mr. Clarke of Johnson ;

The yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Johnson,  
Ells,  
Hall,  
Marvin,

Messrs. Peters;  
Price,  
Skiff,  
Winchester,

Young,—9.

## NAYS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamahee,  
 Edwards,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gower,  
 Gray,  
 Harris,  
 Hollingsworth,  
 Springer, (Prest.) 23.

Messrs. Johnston,  
 Palmer,  
 Parvin,  
 Patterson,  
 Robinson,  
 Scott,  
 Seely,  
 Solomon,  
 Traer,  
 Warren,  
 Wilson,

Mr. Clarke, of Johnston, moved to amend the Seventeenth Section of said Report by striking out the words "two-thirds of," and "present;" causing said section to read, that a bill, after having been returned to the General Assembly by the Governor, with his objections, shall be passed by a majority of the members of each House:

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Clarke, of Johnson,  
 Edwards,  
 Gibson,  
 Marvin,

Messrs. Palmer,  
 Price,  
 Wilson,  
 Young—8.

## NAYS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamahee,  
 Ells,  
 Emerson,  
 Gillaspy,  
 Gower,  
 Gray,  
 Hall,  
 Harris,  
 Hollingsworth,  
 Johnston,

Messrs. Parvin,  
 Patterson,  
 Peters,  
 Robinson,  
 Scott,  
 Seely,  
 Skiff,  
 Solomon,  
 Traer,  
 Warren,  
 Winchester,  
 Springer [P.,] 24.

Mr. Gillaspy moved to amend the Fifth Section of said Report by striking out "twenty-five" and inserting "twenty-one;" causing said section to read as follows:

5. "Senators shall be chosen for the term of four years, at the same time and place as Representatives; they shall be twenty-one years of age, and possess the qualifications of Representatives as to residence and citizenship;"

Upon the question of agreeing to said amendment the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Clarke, of Henry,  
Clarke, of Alamakee,  
Ells,  
Gibson,  
Gillaspy,  
Gray,  
Harris,  
Johnston,

Messrs. Patterson,  
Peters,  
Scott,  
Seely,  
Solomon,  
Traer,  
Wilson,  
Springer (P.) 16.

## NAYS.

Messrs. Ayers,  
Edwards,  
Clarke, of Johnson,  
Emerson,  
Gower,  
Hall,  
Hollingsworth,  
Marvin,

Messrs. Palmer,  
Parvin,  
Price,  
Robinson,  
Skiff,  
Warren,  
Winchester,  
Young—16.

Mr. Gower moved to amend the Seventeenth Section of said Report by striking out "two-thirds" and inserting "seven-twelfths;"

Which motion was not agreed to.

Mr. Gibson moved to amend the Second Section of said Report by striking out "second" and inserting "first;" causing the section to read, that the General Assembly shall met on the first Monday of January;

Which motion was not agreed to.

Mr. Gray moved to reconsider the vote by which the amendment offered by Mr. Warren, yesterday afternoon, to the Fourth Section of said Report, was agreed to;

Upon this question, the yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamahee,  
 Ells,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gray,  
 Harris,

Messrs. Johnston,  
 Palmer,  
 Patterson,  
 Peters,  
 Price,  
 Scott,  
 Seely,  
 Solomon,  
 Wilson,—18.

## NAYS.

Messrs. Clarke, of Johnson,  
 Edwards,  
 Gower,  
 Hall,  
 Hollingsworth,  
 Marvin,  
 Parvin,

Messrs. Robinson,  
 Skiff,  
 Traer,  
 Warren,  
 Winchester,  
 Young,  
 Springer,[P.] 14.

The question now being upon agreeing to the amendment offered by Mr. Warren to the Fourth Section of said Report by striking out the words, "and have been an inhabitant of this State one year next preceding his election" near the middle thereof; and, by striking out the words "thirty days" near the latter part thereof, and inserting the words "one year;"

Mr. Winchester moved to amend the amendment by striking out the words "thirty days" and inserting "ninety days;"

A division of the question was called for, and

Upon the question of striking out the words "thirty days,"

The yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Clarke, of Johnson,  
 Edwards,  
 Gower,  
 Hall,  
 Marvin,  
 Palmer,

Messrs. Parvin,  
 Robinson,  
 Traer,  
 Warren,  
 Winchester,  
 Young,

Springer, (Prest.,)—13.

## NAYS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clarke, of Alamakee,  
 Ells,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gray,  
 Harris,

Messrs. Hollingsworth,  
 Johnston,  
 Patterson,  
 Peters,  
 Price,  
 Scott,  
 Seely,  
 Skiff,  
 Solomon,

Wilson,—19.

The amendment offered by Mr. Warren was then disagreed to.

The further consideration of the Report was dispensed with, at present, and the same was laid upon the table.

Mr. Gillaspy offered the following :

*Resolved*, That this Convention meet each evening, in addition to the regular meetings, at seven o'clock, until adjournment *sine die* ;

Mr. Hall moved that said resolution be laid on the table ;

Which motion was agreed to.

The following communications were laid before the Convention by the President, which were read and received :

IOWA CITY, FEBRUARY 18, 1857.

*The Constitutional Convention :—*

GENTLEMEN :

Permit me, in behalf of the State Historical Society of Iowa, to request you to furnish your daguerreotypes to be preserved in its Picture Gallery,

Yours, respectfully,

E. BILLINGS SMITH,  
*Corresponding Sec'y.*

IOWA CITY, FEBRUARY 18, 1857.

*To the Hon. Members of the Convention :*

The undersigned would respectfully request the members of the Convention to call at his office as soon as circumstances will permit and have their miniatures taken for the purpose of

lithographing ; also, duplicate copies, to be placed in the State Library and for the Historical Association.

Specimens may be found on the desk of Mr. Clarke, of Johnson.

Respectfully,

J. R. HARTSOCK,  
*Artist.*

On motion of Mr. Skiff,

The Convention then adjourned.

### WEDNESDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Report of the Committee on Distribution of Powers and Legislative Department, as amended in Committee of the Whole, was taken up, and the consideration thereof resumed.

Mr. Edwards moved to amend the Twenty-first Section of said Report, by striking out the word "misdemeanor" and inserting the word "malfeasance ;"

Which motion was not agreed to.

Mr. Clarke, of Henry, moved to amend said section by adding the words "or malfeasance" after the word "misdemeanor ;"

Which motion was agreed to.

Mr. Clarke, of Johnson, moved to amend the Thirty-first Section of said Report, by striking out near the latter part thereof the words "and in all other cases where a general law is applicable ;" causing the concluding part of said section to read as follows ;

"In all the cases above enumerated, all laws shall be general, and of uniform operation throughout the State ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Johnson,  
 Edwards,  
 Gower,  
 Hall,  
 Hollingsworth,  
 Johnston,  
 Young—13.

Messrs. Marvin,  
 Palmer,  
 Patterson,  
 Solomon,  
 Warren,  
 Winchester,

## NAYS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamakee,  
 Ells,  
 Emerson,  
 Gibson,  
 Gillaspay,  
 Gray,  
 Parvin,

Messrs. Peters.  
 Price,  
 Robinson,  
 Scott,  
 Seely,  
 Skiff,  
 Traer,  
 Wilson,  
 Springer (P.) 18.

Mr. Young moved to amend the Third Section of said Report by striking out the words "except the years of the Presidential election, when the election shall be on the Tuesday next after the first Monday in November;" causing said section to read that members of the House of Representatives shall always be chosen on the second Tuesday in October;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Ayers,  
 Clarke, of Johnson,  
 Edwards,  
 Ells,  
 Gower,  
 Gray,  
 Springer, (Prest.,)—13.

Messrs. Hollingsworth,  
 Marvin,  
 Scott,  
 Wilson,  
 Winchester,  
 Young,

## NAYS.

Messrs. Clarke, of Henry,  
 Clark, of Alamakee,  
 Emerson  
 Gibson,  
 Gillaspay,

Messrs. Parvin,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,

Messrs. Hall,  
Harris,  
Johnston,  
Palmer,

Messrs. Seely,  
Solomon,  
Skiff,  
Traer,

Warren—19.

Mr. Wilson moved to amend the Thirty-sixth Section of said Report by striking out "fifty" and inserting "thirty-six," also, by striking out "one hundred" and inserting "seventy-five;" causing said section to read as follows:

36. "The Senate shall not consist of more than thirty-six members, nor the House of Representatives of more than seventy-five;"

Upon the question of agreeing to the same, the yeas and nays were demanded, and it was decided in the negative, as follows:

#### YEAS.

Messrs. Ellis,  
Gibson,  
Gower,

Messrs. Warren,  
Wilson,  
Springer [P.,] 6.

#### NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Emerson,  
Gillaspy,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,  
Marvin,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Traer,  
Winchester,  
Young—26.

Mr. Clarke, of Henry, moved to strike out the Thirty-ninth Section of said Report, as follows:

39. "The annual salary of the Governor shall not exceed twenty-five hundred dollars; Secretary, Treasurer and Auditor of State fifteen hundred dollars each; Judges of the Supreme Court, twenty-five hundred dollars each; Judges of the District Courts, two thousand dollars each;"

Upon the question of striking out said section,  
The same was agreed to.

Mr. Solomon moved to amend the additional section intended to come in as the Thirty-seventh, by inserting near the middle thereof, the words "every county and;" causing that portion of said section to read as follows: "Every county and any district containing one or more counties and having a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one Representative," &c.;

Which motion was agreed to.

Mr. Traer then moved that said Report, with the amendments made thereto, be referred to the Standing Committee on Revision, Engrossment and Enrolment;

Which motion was agreed to.

The Report of the Committee on Executive Department was then taken up, and,

On motion,

The Convention resolved itself into Committee of the Whole, Mr. Gibson in the Chair, upon the consideration of said Report; and, after some time spent therein, the committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole stated that they had concluded the consideration of the subject before them and reported the same back to the Convention with sundry amendments.

On motion, said report was received, and the Committee were discharged.

On motion of Mr. Winchester,

The Convention then adjourned.

## THURSDAY MORNING, FEBRUARY 19, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

The Convention then proceeded to the consideration of the Report of the Committee on Executive Department as amended in Committee of the Whole.

The Second Section of said Report being under consideration, and

The question being upon agreeing to the amendment made in Committee of the Whole, by filling the blank in said section with the word "four," thereby making the term of office of the Governor that number of years,

The yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,  
Gower,

Messrs. Gray,  
Hollingsworth,  
Parvin,  
Scott,  
Skiff,

Winchester—11.

## NAYS.

Messrs. Ayers,  
Clark, of Alamakee,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,

Messrs. Marvin,  
Palmer,  
Patterson,  
Peters,  
Robinson,  
Seely,  
Solomon,  
Traer,  
Wilson,

Springer, (Prest.,)—19.

The amendment made in Committee of the Whole, by striking out the Third and Fourth Sections of said Report, which provide for the election of a Lieutenant Governor, and the manner of canvassing the votes for Governor and Lieutenant Governor, and substituting therefor as follows :

“The returns of every election for Governor shall be sealed up and transmitted to the seat of Government directed to the Speaker of the House of Representatives, who shall during the first week of the session open and publish them in the presence of both houses of the General Assembly. The person having the highest number of votes shall be Governor but in case any two or more have an equal and the highest number of votes the General Assembly shall by joint vote choose one of said persons so having an equal and the highest number of votes for Governor ;”

The same being under consideration, and

The question being upon agreeing to the amendment made in Committee of the Whole,

The yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnston,  
Edwards,  
Gibson,  
Gillaspy,  
Hollingsworth,

Messrs. Johnston,  
Parvin,  
Patterson,  
Warren,  
Winchester,  
Young,  
Springer, [P.] 14.

## NAYS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Ells,  
Emerson,  
Gower,  
Gray,  
Hall,  
Harris,  
Marvin,

Messrs. Palmer,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Traer,

Wilson—19.

The Eleventh Section of said Report being under consideration, as follows :

11. "He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses when assembled, the purpose for which they shall have been convened; and when convened they shall have no power to legislate upon any subject save that suggested in the message of the Governor;" and,

The question being upon agreeing to the amendment made in Committee of the Whole to said Section by striking out all after the word "convened" where it first occurs,

The same was agreed to.

The Fifteenth Section of said Report being under consideration, as follows:

15. The official term of the Governor and Lieutenant Governor shall commence on the \_\_\_\_\_ of \_\_\_\_\_ and on the same day every \_\_\_\_\_ year thereafter;" and,

The question being upon agreeing to the amendment made in Committee of the Whole by striking out said Section,

The same was disagreed to.

The Sixteenth Section of said Report being under consideration, and

The question being upon agreeing to the amendment made in Committee of the Whole to said section, by inserting the words "and the reasons therefor" after the words "or pardon granted" in the latter part thereof;

The same was agreed to.

The Seventeenth Section of said Report being under consideration, as follows:

17. "In case of the death, impeachment, resignation, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor;" and,

The question being upon agreeing to the amendment made in Committee of the Whole to said section, by striking out the words "Lieutenant Governor" at the end thereof, and inserting as follows:

"President of the Senate: and if the President of the Senate for any of the above causes shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives;"

The same was disagreed to.

The Eighteenth and Nineteenth Sections of said Report being under consideration, prescribing the duties of Lieutenant Governor &c., and,

The question being upon agreeing to the amendment made in Committee of the Whole, by striking out said sections ;

The same was disagreed to.

The Twenty-second Section of said Report being under consideration, as follows :

22. "A Secretary of State, Auditor of Public Accounts, Treasurer of State, Superintendent of Public Instruction, and Attorney General, shall be elected by the qualified electors, who shall continue in office two years. The Secretary of State shall keep a fair register of all the official acts of the Governor and shall when required lay the same, together with all papers, minutes and vouchers relative thereto before either branch of the General Assembly and shall perform such other duties as shall be assigned him by law:" and

The question being upon agreeing to the amendment made in Committee of the Whole by striking out the words "Superintendent of Public instruction and Attorney General" near the beginning thereof ; also all after the word "years" where it occurs, and inserting the words, "and perform such duties as may be required by law ;" and,

A division of the question being called for,

Upon the question of agreeing to the amendment made in Committee of the Whole, by striking out the words "Superintendent of Public Instruction,"

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,

Messrs. Johnston,  
Marvin,  
Palmer,  
Patterson,  
Price,  
Robinson,  
Scott,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Young,

Springer, (Prest.,)—25.

## NAYS.

Messrs. Bunker,  
Gray,  
Hollingsworth,

Messrs. Parvin,  
Seely,  
Skiff,

Winchester—7.

Upon the question of agreeing to the remainder of the amendment made in Committee of the Whole,

The same was agreed to.

The Twenty-third Section of said Report being under consideration, and,

The question being upon agreeing to the amendment made in Committee of the Whole, by striking out said section,

The same was agreed to.

The consideration of the amendments made in Committee of the Whole having been concluded,

Mr. Harris moved to fill the blank in the Second Section of said Report with the word "two;" thereby making the term of office of the Governor two years:

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Ayers,  
Clark, of Alamakee,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Harris,  
Johnston,  
Marvin,

Messrs. Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Traer,  
Wilson,

Springer, [Prest.] 23.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,

Messrs. Gower,  
Hollingsworth,  
Warren,  
Winchester,

Young—9.

Mr. Traer moved to fill the blank in the Third Section with the word "two," thereby making the term of office of the Lieutenant Governor two years ;

Which motion was agreed to.

Mr. Gillaspv moved to strike out "thirty" and insert "twenty-one" in the Sixth Section of said Report, thereby making said section read as follows :

6. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have been a citizen of the United States and a resident of the State two years next preceeding the election, and attained the age of twenty-one years at the time of said election ;"

Upon the question of agreeing to said motion,

The yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Ells,  
Gibson,  
Gillaspy,  
Harris,  
Johnston,

Messrs. Palmer,  
Peters,  
Price,  
Scott,  
Seely,  
Solomon,  
Traer,

Wilson—15.

#### NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Edwards,  
Emerson,  
Gower,  
Gray,  
Hall,  
Hollingsworth,

Mestrs. Marvin,  
Parvin,  
Patterson,  
Robinson,  
Skiff,  
Warren,  
Winchester,  
Young,  
Springer, [P.] 18.

Mr. Clarke, of Henry, moved to fill the blanks and otherwise amend the Fifteenth Section so as to make said section read as follows :

15. The official term of the Governor and Lieutenant Governor shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The Lieutenant Governor, while acting as Governor, shall receive the same pay as provided for Governor, and while presiding in

the Senate, shall receive as compensation therefor, the same mileage and double the per diem pay provided for a Senator, and none other ;

Upon the question of agreeing to said motion the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Ells,  
Emerson,  
Gower,  
Gray,  
Hall,  
Harris,  
Marvin,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Seely,  
Skiff,  
Traer,  
Wilson,

Springer, (Prest.,)—21.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Gibson,  
Gillaspy,  
Hollingsworth,

Messrs. Johnston,  
Scott,  
Solomon,  
Warren,  
Winchester,  
Young—12.

Mr. Palmer moved that the Report, with the amendments made thereto, be referred to the Standing Committee on Revision, Engrossment and Enrolment ;

Which motion was agreed to.

The Convention then resolved itself into Committee of the Whole, Mr. Parvin in the Chair, upon the consideration of the Report of the Committee on Education and School Lands ; and, after a short time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that they had made some progress in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

The Convention then proceeded to the consideration of the Report of the Committee on Amendments to the Constitution.

The Majority and Minority Reports of said Committee having been read, respectively,

Mr. Winchester moved to substitute the Tenth Article of the present Constitution for the Majority Report ;

Pending the consideration of this question,

On motion of Mr. Young,

The Convention adjourned.

## THURSDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Convention proceeded to the unfinished business of the morning, being the consideration of the Report of the Committee on Amendments to the Constitution.

On motion,

The Convention resolved itself into Committee of the Whole, Mr. Young in the Chair, upon the consideration of said Report ; and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole stated that they had concluded the consideration of the subject before them, and reported the same back to the Convention with amendments ;

On motion, the report was received and the Committee discharged.

Mr. Winchester offered the following resolution :

*Resolved*, That all Standing and Special Committees, except the Committee on Revision, who have not reported, be requested to do so on or before Monday next ;

Mr. Clark, of Alamakee, moved that said resolution be laid on the table ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gray,  
Hollingsworth,

Messrs. Palmer,  
Patterson,  
Robinson,  
Seely,  
Wilson,  
Young,  
Springer, (P.) 14.

## NAYS.

Messrs. Ayers,  
Clarke, of Johnson,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,  
Johnston,

Messrs. Marvin,  
Parvin,  
Peters,  
Price,  
Scott,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Winchester—20.

Mr. Edwards moved that said resolution be so amended as to except the Committee on Schedule from its operation ;

Which motion was agreed to.

Mr. Scott moved that the Convention do now adjourn ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Henry,  
Clark, of Alamahee,  
Edwards,  
Gower,  
Gray,

Messrs. Hollingsworth,  
Scott,  
Seely,  
Skiff,  
Traer,

Springer, [Prest.,]—11.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Day,  
Ells,  
Emerson,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,

Messrs. Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,

Messrs. Robinson,  
Solomon,  
Warren,  
Wilson,  
Winchester,

Young—23.

Mr. Johnston moved to strike out the word “requested” and insert the word “required” in said resolution;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows:

#### YEAS.

Messrs. Ayers,  
Clarke, of Johnson,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,  
Johnston,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Seely,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Winchester,  
Young,

Springer, [Prest.,]—23.

#### NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clark, of Alamakee,  
Ells,  
Gray,

Messrs. Hollingsworth,  
Marvin,  
Palmer,  
Parvin,  
Scott,

Wilson—11.

Mr. Clark, of Alamakee, moved to strike out the word “Monday” in said resolution;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

#### YEAS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Ells,  
Gray,  
Hollingsworth,

Messrs. Marvin,  
Palmer,  
Scott,  
Seely,  
Wilson,

Springer, (Prest.,) 11.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,

Messrs. Johnston,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Winchester,

Young—23.

Mr. Clarke, of Henry, moved that said resolution be so amended as to exempt from the operation thereof, the Special Committees on the Bill of Rights and the Right of Suffrage respectively ;

Upon this question the yeas and nays were demanded and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clark, of Alamakee,  
Ells,  
Gower,

Messrs. Gray,  
Hollingsworth,  
Marvin,  
Parvin,  
Seely,

Traer—11.

## NAYS.

Messrs. Ayers,  
Clarke, of Johnson,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,  
Palmer,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Skiff,  
Solomon,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, [Prest.,] 23.

The Previous Question having been demanded,

Upon the question,

Shall the main question be now put ?

It was decided in the affirmative.

The question now being upon the adoption of the resolution as amended, as follows :

*Resolved*, That all Standing and Special Committees, except the Committees on Revision and Schedule, who have not reported, be required to do so on or before Monday next ; and,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Johnson,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,  
Johnston,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Skiff,  
Solomon,  
Warren,  
Winchester,  
Young,  
Springer (P.) 22.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clark, of Alamahee,  
Ells,  
Gray,  
Hollingsworth,

Messrs. Marvin,  
Parvin,  
Scott,  
Seely,  
Traer,  
Wilson—12.

The President then announced that an invitation had been tendered to the members of the Convention, by F. W. Ballard, Chairman of the Lecture Committee of the Citizens Library Association, to attend a lecture this evening, at the Baptist Church, at half past seven o'clock.

On motion of Mr. Clark, of Alamahee,  
The Convention then adjourned.

## FRIDAY MORNING, FEBRUARY 20, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Clarke, of Johnson, from the Committee on Judicial Department, to whom was referred for revision &c., the Substitute for the Majority Report of said committee, adopted in Committee of the Whole, and the amendments made thereto in Convention, made the following

## REPORT.

The Committee on the Judiciary to whom was referred the Article on the Judiciary Department as adopted by the Convention, with instructions to revise the same and to inquire into the expediency of increasing the number of Judicial Districts from ten to thirteen, &c., beg leave to report :

That after due consideration of the subjects referred to them, the Committee recommend that the number of Judicial Districts be increased from ten to eleven ; and that the General Assembly have power to reorganize the Judicial Districts and increase or diminish the number of Judges of the District Court, and increase the number of Judges of the Supreme Court, every four years, instead of five years, as provided in Section Ten of the Article, so that the power to make the contemplated changes in the Districts or Judges, may be exercised at the end of the terms of the Judges.

All of which is respectfully submitted.

W. PENN CLARKE,  
*Chairman.*

## ARTICLE —.

SECTION 1. The judicial power shall be vested in a Supreme Court, District Courts, and such other Courts inferior to the Supreme Court, as the General Assembly may, from time to time, establish.

SEC. 2. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum to hold Court.

SEC. 3. The Judges of the Supreme Court shall be elected by the qualified voters of the State, and shall hold their Court at such time and place as the General Assembly may prescribe. The Supreme Judges so elected, shall be classified so that one Judge shall go out of office every two years; and the Judge holding the shortest term of office under such classification, shall be Chief Justice of the Court during his term, and so on in rotation. After the expiration of their terms of office under such classification, the term of each Judge of the Supreme Court, shall be six years, and until his successor is elected and qualified. The Judges of the Supreme Court shall be ineligible to any other office in the State, during the term for which they are elected.

SEC. 4. The Supreme Court shall have appellate jurisdiction only in all cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the General Assembly may, by law, prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the State.

SEC. 5. The District Court shall consist of a single Judge, who shall be elected by the qualified voters of the District in which he resides. The Judge of the District Court shall hold his office for the term of four years, and until his successor is elected and qualified; and shall be ineligible to any other office, except that of Supreme Judge, during the term for which he was elected.

SEC. 6. The District Court shall be a court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts in such manner as shall be prescribed by law.

SEC. 7. The Judges of the Supreme and District Courts shall be conservators of peace throughout the State.

SEC. 8. The style of all process shall be "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 9. The salary of each Judge of the Supreme Court, shall be two thousand dollars per annum, and that of each District Judge sixteen hundred dollars per annum, until the year 1860; after which time, they shall severally receive such compensation as the General Assembly may, by law, prescribe, which compensation shall not be increased or diminished during the term for which they were elected.

SEC. 10. The State shall be divided into \_\_\_\_\_ District Court districts; and after the year 1860, the General Assembly may re-organize the judicial districts, and increase or diminish the number of

districts or the number of Judges of the said court, and may increase the number of Judges of the Supreme Court, but such increase or diminution shall not be more than one district, or one Judge of either court, at a time, and no re-organization of the districts, or diminution of the Judges shall have effect of removing a Judge from office. Such re-organization of the districts or increase or diminution of the Judges, shall take place every ———— years thereafter, if necessary, and at no other time.

SEC. 11. The Judges of the Supreme and District Courts shall be chosen at the general election; and the term of office of each Judge shall commence on the first day of January next after his election.

SEC. 12. The General Assembly shall provide by law, for the election of an Attorney General by the people, whose term of office shall be two years, and until his successor is elected and qualified.

SEC. 13. The qualified electors of each judicial district shall, at the time of the election of District Judge, elect a District Attorney, who shall be a resident of the district for which he is elected, and who shall hold his office for the term of four years, and until his successor is elected and qualified.

SEC. 14. It shall be the duty of the General Assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the courts of this State.

Said report having been read, the same was ordered to lie on the table.

Mr. Skiff from the Committee on Militia made the following

### REPORT.

The Committee to whom was referred that portion of the Constitution relating to the "Militia" have had the same under consideration and have unanimously instructed me to report the same back without amendment and recommend its adoption by this Convention.

Respectfully submitted,

H. J. SKIFF,  
*Chairman.*

Said report having been read, the same was ordered to lie on the table.

On motion of Mr. Young,

Mr. Todhunter was excused from serving on the Standing Committee on Schedule, and

The President appointed Mr. Wilson in his stead.

On motion of Mr. Clarke, of Johnson, the Article on Judicial Department, as reported by the Committee this morning, was then taken up for consideration:

Mr. Clarke, of Johnson, then moved to fill the first blank in the Tenth Section thereof with the word "eleven ;"

Mr. Clark, of Alamakee, moved to fill said blank with the word "twelve ;"

Upon the question of agreeing to the motion of filling said blank with the word "twelve ;"

The yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Gillaspy,  
Gray,  
Harris,  
Johnston,  
Palmer,

Messrs. Peters,  
Price,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Traer—14.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gower,  
Hall,

Messrs. Hollingsworth,  
Marvin,  
Parvin,  
Patterson,  
Robinson,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, [P.] 20.

Upon the question of agreeing to the motion of filling said blank with the word "eleven,"

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,

Messrs. Marvin,  
Palmer,

Messrs. Clarke, of Henry,  
 Clarke, of Johnson,  
 Day,  
 Edwards,  
 Ells,  
 Emerson,  
 Gillaspy,  
 Gower,  
 Gray,  
 Hall,  
 Harris,  
 Hollingsworth,  
 Johnston,

Messrs. Parvin,  
 Patterson,  
 Peters,  
 Robinson,  
 Scott,  
 Seely,  
 Skiff,  
 Solomon,  
 Traer,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,

Springer, (Prest.,)—31.

#### NAYS.

Messrs. Clark, of Alamakee, Messrs. Gibson,  
 Price—3.

Mr. Clarke, of Johnson, moved to fill the second blank in said section with the word "four;"

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
 Bunker,  
 Clarke, of Johnson,  
 Day,  
 Edwards,  
 Ells,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gower,  
 Gray,  
 Hall,

Messrs. Hollingsworth,  
 Johnston,  
 Parvin,  
 Patterson,  
 Robinson,  
 Seely,  
 Skiff,  
 Solomon,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,

Springer, (Prest.,)—25.

#### NAYS.

Messrs. Clarke, of Henry,  
 Clark, of Alamakee,  
 Harris,  
 Marvin,

Messrs. Palmer,  
 Peters,  
 Price,  
 Scott—8.

Mr. Clarke, of Johnson, also moved to strike out the word "time" near the middle of said section and insert the word "session ;"

Which motion was agreed to.

Mr. Seely moved to insert immediately after the word "Districts" where it last occurs in said section, the words "or any change in the boundaries thereof ;"

Which motion was agreed to.

On motion of Mr. Winchester,

Said Article, as amended, was ordered to be engrossed, and to have a third reading.

The Convention then proceeded to the consideration of the Report of the Committee on Amendments to the Constitution, as amended in Committee of the Whole, the same being upon its second reading :

Upon the question of agreeing to the amendment made in Committee of the Whole to the Second Section of said Report, by striking out the words "sixty-seven" and inserting the word "seventy" near the beginning of said section,

The same was agreed to.

Upon the question of agreeing to the amendment made in Committee of the Whole to said Report, by adding a new section, to come in as the Second Section, as follows :

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately,

The same was agreed to.

Mr. Clarke, of Johnson, offered the following as a Substitute for the First Section of said Report :

SEC. 1. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and shall be published as provided by law, for three months ; after which, such proposed amendments shall be submitted to a vote of the people at a general election ; and if the people shall approve of and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon separately, such amendment or amendments shall become a part of the Constitution of this State ;

Upon the question of agreeing to the same, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,  
Gower,  
Gray,  
Hall,

Messrs. Hollingsworth,  
Johnston,  
Marvin,  
Scott,  
Winchester,  
Springer, [P.,] 12.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clark, of Alamakee,  
Day,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Harris,  
Palmer,  
Parvin,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Seely,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Young—22.

Mr. Traer moved to amend the Second Section of said Report, by striking out all after the word “purpose” near the latter part thereof and inserting as follows : “the qualified electors of the State shall proceed at the next General Election to choose delegates to said Convention upon the basis provided for the State Senate ; and said Convention when assembled shall have full power to revise and amend the Constitution and to do all things necessary to carry out the object for which they were convened : said delegates shall receive a compensation per diem the same as that allowed the members of the General Assembly ;” and,

The question being upon agreeing to said amendment, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Johnson,  
Clark, of Alamakee,  
Harris,  
Johnston,

Messrs. Seely,  
Solomon,  
Traer,  
Warren,

Springer, [Prest.] 9.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,

Messrs. Hollingsworth,  
Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Skiff,  
Wilson,  
Winchester,

Young,—25.

Mr. Palmer offered the following as a Substitute for the Second Section of said Report:

SEC. 2. If at any time the General Assembly shall think it necessary to call a Convention to revise or amend this Constitution, they shall provide by law for a vote of the people, on that question, at the next ensuing election, for members of the General Assembly; and in case a majority of the people voting on the question, vote in favor of a Convention, said General Assembly shall provide for an election of delegates to a Convention to be held within twelve months after the vote of the people in favor thereof ;”

Upon the question of agreeing to said Substitute the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Clarke, of Johnson,  
Day,  
Edwards,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Winchester—16.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clark, of Alamakee,  
Ells,

Messrs. Parvin,  
Seely,  
Skiff,  
Solomon,  
Traer,

Messrs. Emerson,  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Warren,  
Wilson,  
Young,  
Springer, [P.] 18.

On motion of Mr. Traer,

Said Report, as amended, was ordered to be engrossed, and to have a third reading.

The Rule having been suspended, requiring their reading on the different days,

On motion,

The Report of the Committee on Militia was then taken up for consideration, being Article Sixth of the present Constitution, and the same being upon its second reading.

The First Section of said Article being under consideration, as follows:

1. "The militia of this State shall be composed of all able-bodied white male citizens between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States, or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law ;"

Mr. Traer, moved to strike out the word "eighteen" in said section and insert the words "twenty-one ;"

Which motion was disagreed to.

Mr. Scott moved to strike out the word "white" in said Section ;

Which motion was disagreed to.

On motion of Mr. Traer,

Said Article was ordered to be engrossed and to have a third reading.

On motion of Mr. Skiff,

The Convention then adjourned.

## FRIDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

Mr. Edwards offered the following resolution :

*Resolved*, That the Committee on Judicial Department be instructed to provide in that Article of the Constitution, for the creation of a Court of Common Pleas, and to report by Monday next ;”

Mr. Gillaspv moved to amend said resolution by adding thereto as follows :

“And to provide that no person shall be elected District Judge who has not attained the age of fifty years, nor Supreme Judge who has not attained the age of seventy-five years ;”

The question being upon agreeing to the amendment to the resolution,

The same was disagreed to.

Upon the question of agreeing to the resolution, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Edwards,  
Emerson,  
Hall,  
Marvin,

Messrs. Patterson,  
Peters,  
Robinson,  
Scott—8.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Day,  
Ells,  
Gibson,  
Gillaspv,  
Gower,  
Gray,

Messrs. Johnston,  
Palmer,  
Parvin,  
Price,  
Seely,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,

Messrs. Harris,  
Hollingsworth,

Messrs. Young,  
Springer, (P.,) 26.

On motion of Mr. Palmer,  
The Convention then adjourned.

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SATURDAY MORNING, FEBRUARY 21, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Palmer offered the following resolution :

*Resolved*, That the Committee on the Legislative Department be instructed to report an additional section to said Department, providing for the election of United States Senators by Joint Convention of the two Houses of the General Assembly ;"

Mr. Hall moved that said resolution be laid upon the table ;

Which motion was agreed to.

Mr. Tracer offered the following resolution :

*Resolved*, That the Committee on Schedule be instructed to report a section providing for retaining in office the present Legislature and State officers until the expiration of their terms of office under the present Constitution ;

Mr. Johnston moved that said resolution be laid on the table subject to the order of the Convention ;

Upon this question the yeas and nays were demanded and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
 Clarke, of Johnson,  
 Gibson,  
 Gillaspy,  
 Hall,  
 Harris,  
 Hollingsworth,  
 Johnston,  
 Marvin,  
 Palmer,

Messrs. Parvin,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Scott,  
 Seely,  
 Solomon,  
 Winchester,  
 Young,

Springer, [Prest.,] 21.

## NAYS.

Messrs. Bunker,  
 Clarke, of Henry,  
 Clark, of Alamakee,  
 Day,  
 Edwards,  
 Ells,

Messrs. Emerson,  
 Gower,  
 Gray,  
 Skiff,  
 Traer,  
 Warren,

Wilson,—13.

Mr. Bunker moved that when this Convention adjourns it will adjourn until Monday afternoon next at two o'clock,

Motions to adjourn until nine o'clock and ten o'clock on Monday morning next, having been respectively disagreed to;

Upon the question of agreeing to the motion of Mr. Bunker,

The yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Edwards,  
 Ells,

Messrs. Hall,  
 Hollingsworth,  
 Marvin,  
 Solomon,  
 Wilson,

Young—11.

## NAYS.

Messrs. Ayers,  
 Clark, of Alamakee,  
 Day,  
 Emerson,

Messrs. Parvin,  
 Patterson,  
 Peters,  
 Price,

Messrs. Gibson,	Messrs. Robinson,
Gillaspy,	Scott,
Gower,	Seely,
Gray,	Skiff,
Harris,	Traer,
Johnston,	Warren,
Palmer,	Winchester,

Springer, (Prest.,)—23.

On motion,

The Convention resolved itself into Committee of the Whole, Mr. Parvin in the Chair, upon the consideration of the Report of the Committee on Education and School Lands; and, after a short time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that they had had the subject under consideration, and asked leave to sit again.

Upon the question of granting leave the yeas and nays were demanded, and it was decided in the affirmative, as follows:

#### YEAS.

Messrs. Bunker,	Messrs. Marvin,
Clarke, of Johnson,	Palmer,
Ells,	Parvin,
Emerson,	Peters,
Gibson,	Price,
Gillaspy,	Robinson,
Gower,	Scott,
Gray,	Skiff,
Hall,	Solomon,
Hollingsworth,	Warren,
Johnston,	Wilson,

Young—23.

#### NAYS.

Messrs. Ayers,	Messrs. Patterson,
Clarke, of Henry,	Seely,
Clark, of Alamakee,	Traer,
Day,	Winchester,
Edwards,	Springer, [P.] 10.

On motion of Mr. Clarke, of Johnson,

The Convention then adjourned until Monday morning next at half past nine o'clock.

## MONDAY MORNING, FEBRUARY 23, 1857.

At half past nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of Saturday's proceedings was read and approved.

Mr. Winchester presented the petition of J. W. Rogers and one hundred and forty others, citizens of Fayette county, requesting the incorporation in the Constitution of a section giving the Legislature power to pass laws, regulating, restraining or prohibiting the manufacture of, and traffic in, intoxicating liquors, &c. ;

Which was read and referred to the Committee on Miscellaneous Matter.

Mr. Young asked and obtained leave to be excused from serving on the Committee on Schedule ; and

The President appointed Mr. Skiff in his stead.

Mr. Bunker, from the Committee on Miscellaneous Matter made the following

### REPORT.

The Standing Committee on Miscellaneous Matter beg leave to make the following report :

#### ARTICLE —.

SECTION 1. The jurisdiction of Justices of the Peace shall extend to all civil cases, (except cases in chancery, and cases where the question of title to any real estate may arise,) where the amount in controversy does not exceed fifty dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

SEC. 2. No new county shall be hereafter created containing less than four hundred and thirty-two square miles ; nor shall the territory of any organized county be reduced below that amount ; *Provided*, however, that the county of Worth, and those west of it, on the Minnesota line, may be organized without additional territory.

SEC. 3. The boundaries of the State may be enlarged, with the consent of Congress and the General Assembly.

SEC. 4. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

SEC. 5. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term, and no longer, unless re-elected ; and all persons appointed to fill vacancies in office, shall hold until the next general election only.

SEC. 6. The State University shall consist of a single institution, and be permanently located at Iowa City. The present State Capital, with such improvements and additions as may be provided for by-law, shall be occupied by the State University, when not used by the State for other purposes.

SEC. 7. The General Assembly shall not locate any of the public lands, which have been, or which may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant, so exempted, shall not exceed three hundred and twenty acres.

Respectfully submitted,

D. BUNKER,  
*Chairman.*

Which was read, ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Wilson, from the Special Committee to whom was referred the Report of the Standing Committee on Incorporations, together with the amendments made thereto in Convention, made the following

## REPORT.

A majority of the Special Committee to whom was referred the report of the Standing Committee on Incorporations, together with the amendments made in Convention, have instructed the undersigned to report the following substitute for said report as amended, and recommend its adoption by the Convention :

## ARTICLE VIII.

SECTION 1. No corporation shall be created by special laws ; but the

General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

SEC. 2. The property of all corporations for pecuniary profit, now existing, or hereafter created, shall forever be subject to taxation, the same as property of individuals.

SEC. 3. The State shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war for the benefit of the State.

SEC. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

SEC. 5. No act of the General Assembly, authorizing corporations or associations with banking powers, nor shall amendments thereto take effect, or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

SEC. 6. Subject to the provision of the foregoing section, the General Assembly may provide for the establishment of a State Bank with branches, in addition to banks provided for by general law.

SEC. 7. Subject to the provisions of this article, the General Assembly shall have power to amend or repeal all laws for the organization or erection of corporations, or granting of special or exclusive privileges or immunities, by a vote of two-thirds of each branch of the General Assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

Respectfully submitted,

J. F. WILSON,  
*Chairman.*

The undersigned do not concur in the above report so far as relates to banking corporations or associations, believing that some restrictions should be imposed on the Legislature with respect to the organization of said corporations or associations.

J. F. WILSON,  
DAVID BUNKER.

Which was read, ordered to be laid on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Clarke, of Henry, from the Special Committee to whom was

referred that portion of the Constitution on Right of Suffrage, made the following

### REPORT.

The Special Committee to whom was referred Article 2 of the Constitution, would report the same back again without amendment, and would recommend the adoption of the following resolution :

*Resolved*, That at the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white" wherever it occurs in said Constitution, shall be separately submitted to the electors of this State for their adoption or rejection, in manner following, *viz* :

A separate ballot may be given by every person having the right to vote at said election, to be deposited in a separate box ; and those given for the adoption of such proposition shall have the words " Shall the word 'white' be stricken out of the Constitution wherever it occurs? —Yes ;" and those given against the proposition shall have the words, " Shall the word 'white' be stricken out of the Constitution wherever it occurs?—No."

And if at said election a majority of all the ballots cast for and against said proposition, shall have the words " Shall the word 'white' be stricken from the Constitution wherever it occurs?—Yes,"—then the word "white" shall be so stricken out and shall not be any part of said Constitution.

R. L. B. CLARKE,  
*Chairman.*

Which was read, and ordered to lie on the table.

Mr. Hall, from the same Committee, made the following Minority

### REPORT.

The minority of the Committee to whom was referred the Article on Right of Suffrage, beg leave to report :

The only question brought forward for the consideration of the Committee changing the Article referred to, was the propriety of striking out the word "*white*."

The majority of the Committee have not deemed that amendment as proper or expedient, but have adopted a special course of bringing the question before the people by a separate proposition and vote.

To this mode of treating the subject there can be no great objection. It resolves itself into a mere question of propriety or expediency.

That there are a small number of citizens of this State who are in favor of this amendment we are free to admit. But the undersigned will be slow to believe that any considerable or controlling number of our fellow citizens do or will for one moment sanction the proposition.

The proposition to invite the Negro and Indian to our State by a constitutional guarantee of equality with the white people, we feel confident cannot be sanctioned. The majority of the committee feel the force of this truth and hence they do not insist upon the amendment as a fixed feature in the constitution. With the fullest conviction that the voice of the people is against the measure, the majority recommend that it shall be the subject of popular agitation.

If the wish of the majority of the people of this State upon this subject was a question of doubt, if public sentiment was hesitating and undecided, there would be a reasonable cause for leaving the question unsettled by this Convention, and returning the power to settle it back to the people, the source of all power.

The undersigned do not believe that this is the case. They therefore conclude that no good can result from a separate submission of that question. Its only effect will be to keep up agitation, to furnish material and food for a morbid and forbidding sentiment that is fraught with evil to the Indian, Negro and Anglo-American races.

Suffrage is a delegation of political power. In our Government it is more than a mere badge of equality of rights, it is a guarantee of social, political and personal equality.

The views of the undersigned are so fully expressed in a report made by a select committee to the first Constitutional Convention of this State, that they adopt that report and re-assert the principles then stated as follows:

“That all men are created equal, and are endowed by their creator with equal inalienable rights, your committee are free to admit: That so far as nature is concerned those rights are as sacred to the black man as the white man, and should be so regarded. This, however, is a mere abstract proposition, and although strictly true when applied to man in a state of nature, yet it becomes very much modified when man is considered in the artificial state in which government and society places him. Thus the infant is not entitled to liberty or the pursuits of happiness until he arrives at the age of twenty-one years. Females by the arbitrary rules of society are excluded and debarred from many things which males consider rights and high privileges—such as the elective franchise, holding office, &c. Now in these cases the females and infant are denied what we abstractly term inalienable rights and they submit without complaint or murmur. No one thinks of sympathizing with them in their deprivations. The philanthropist has never had occa-

sion to commiserate their fate, still it is in those respects the same as the *citizen of color*. The negro is surely no better than our wives and children, and should not excite sympathy when they desire the political rights which they are deprived of.

"The great error that exists in the minds of our citizens who reason in favor of negro suffrage and citizenship, arises from their mingling the natural and artificial rights of man, and treating the artificial institutions of government as sacred and as undeniable to man as the abstract rights of nature; a position which is untrue in point of fact, and in opposition to the experience of the whole world. Governments are strictly conventional, and although based upon the laws of nature, they are necessarily limited and circumscribed in their operation. It is made for those who are to be benefitted by it and is not bound to unbar its doors and receive every vagrant who may take refuge in it.

"Government is an institution or an association entered into by man, the very constitution of which changes or modifies to a greater or less extent his natural rights. Some are surrendered, others modified. The compensation for these sacrifices is found in the greater security in those rights retained, and a cheapening of the expense of protecting them. It is a means sought by man to make more available, secure, and certain his unalienable rights of life, liberty and the pursuits of happiness. Thus the citizen acquires a species of property in his government, which he has a right to enjoy without molestation and without disturbance. In forming or maintaining a government it is the privilege and duty of those who have or are about to associate together for that purpose to modify and limit the rights or wholly exclude from the association, any and every species of persons who would endanger, lessen or in the least impair their enjoyment of these rights. We have seen that the application of this principle limits the rights of our sons, modifies the privileges of our wives and daughters, and would not be unjust if it excluded the negro altogether. 'Tis the party to the compact that should complain, not the stranger. Even hospitality does not sanction complaint under such circumstances. True, these persons may be unfortunate, but the government is not unjust.

"If your committee are correct in their views, the question presented for consideration is plainly this: Would the admission of the negro as a citizen tend in the least to lessen, endanger or impair the enjoyment of our governmental institutions—in other words, would the accession of a negro population produce any of these consequences. If it would we should be unwise to admit them; if it would not, then it would be wanton and wrong to exclude them. The whole subject should be properly treated as a question of policy or contract where self-interest is just as properly consulted, as in the promotion of a commercial treaty or a private contract. 'Tis the *white* population who are about to form

a government for themselves—no negro is represented in this convention, and no one proposes to become a member of the compact. 'Tis the white population of this Territory who petition for the admission of the negro. They necessarily believe that the introduction of such a population as citizens would not interfere with the enjoyments of the white citizens, or they place this admission on the ground that the negro has the arbitrary claim, based as a natural right. The proposition would stand thus :

“1st. That the negroes are a desirable, or at least, a harmless population ;

“2d. That the negro has a *natural* right to be admitted as an equal citizen. ”

“The former proposition begs, the latter commands.

“Can the negro be admitted to those privileges and not impair the rights of the whites? Your Committee think not. The Government, then, would be unjust to admit them. The negro not being a party to the government has no right to partake of its privileges.

“However your committee may commiserate with the degraded condition of the negroes, and feel for his fate, yet they can never consent to open the doors of our beautiful State and invite him to settle our lands. The policy of other States would drive the whole black population of the Union upon us. The ballot box would fall into their hands and a train of evils would follow that in the opinion of your committee would be incalculable. The rights of persons would be less secure, and private property materially impaired. The injustice to the whole population would be beyond computation. There are strong reasons to induce the belief that the two races could not exist in the same government upon an equality without discord and violence, that might eventuate in insurrection, bloodshed and final extermination of one of the two races. No one can doubt that a degraded position of moral feeling would ensue, a tendency to amalgamate the two races would be superinduced, a degraded, a reckless population would follow, idleness, crime and misery would come in their train, and government itself fall into anarchy or despotism.”

“All of which is respectfully submitted.

J. C. HALL,  
D. N. PRICE.

Which was read and ordered to lie on the table.

Mr. Johnston moved that one hundred copies of each of said Reports be printed for the use of the Convention ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Hollingsworth,  
Johnston,  
Palmer,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Warren,  
Wilson,  
Young—20.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Gower,

Messrs. Skiff,  
Traer,  
Winchester,  
Springer, [P.] 8,

Mr. Clarke, of Henry, from the Special Committee to whom was referred certain sections of the Bill of Rights made the following

## REPORT.

The Committee to whom was referred The Bill of Rights beg leave to report the same back without amendment, except

SECTION 1. In which they would recommend that the word "independent" be stricken out and the word "equal" substituted.

In regard to *Section 4*, the Committee beg leave to submit separate reports. The views of Mr. Wilson for deeming an amendment unnecessary are submitted herewith, as follows:

One object of the Convention in referring section 4 of the Bill of Rights to a select committee, was to have the committee pass upon the expediency of so amending said section as to embody in it a clause securing to the people the right to introduce the testimony of negroes, mulattoes and Indians into the courts of this State. The committee have been unable to harmonize their views in relation to said section, and have concluded to place before the convention, in the form of reports, the different views of the members of the committee. The undersigned, therefore, begs leave to submit the following as his views of the subject referred to the committee.

After a careful examination of the subject, the undersigned can come to no other conclusion than that the object sought to be attained by the amendment proposed in the Convention, is secured by the first

section of the Bill of Rights. The section referred to declares as follows:

“All men are, by nature, free and equal, and have certain inalienable rights—among which are those of enjoying and *defending* life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.”

The “rights of defending life and liberty,” and “protecting property,” set forth in this section as natural rights, are not taken away when men associate themselves into governmental organizations. The rights remain unimpaired—the method of protecting them only being changed. In a state of nature, man must depend upon his physical prowess to protect his rights—under constitutional government he depends upon the laws as administered by the courts of justice.

The right of protecting life, liberty and property being guaranteed by the constitution to every man, it follows as a consequence that every one is entitled to exercise all other rights necessary to the full enjoyment of the rights thus guaranteed. This point being determined, it follows that the citizen thus having the right guaranteed to him of protecting his life, liberty and property by application to the courts of justice, he also has the right to introduce testimony; for without this right, the protection held out to him by the constitution would be no better than heartless mockery—it would be to invite him into the temple of justice while the doors are bolted and barred against him. Testimony is as essential to the protection of life, liberty and property in courts of justice, as air is to the enjoyment of animal life; and every interference with the right is an act of usurpation not warranted by the constitution. The present constitution of Iowa contains no clause conflicting with the full enjoyment of this right. The amended constitution which this body will submit to the people, will make no change in the present constitution in this respect. It follows, therefore, that the General Assembly have no power under the present constitution, nor will they have under the amended constitution, to infringe upon this right as recognized and guaranteed by the first section of the Bill of Rights. In this view of the case, it matters not what the color of the witness may be, if his testimony be necessary for the protection of the life, liberty or property of a party to a judicial proceeding, the party interested has the right to introduce him, and any law which seeks to deprive a party of this right, infringes upon the constitutional rights of the people, and is therefore void.

The undersigned, believing that the foregoing views of the constitution are correct, can see no necessity for re-declaring the provisions of the first section of the Bill of Rights in any other section, and would, therefore, recommend the adoption of the fourth section without amendment.

JAMES F. WILSON.

I fully concur with his reasoning so far as the same goes to show that such amendment as is proposed *ought not to be necessary*. But unfortunately Legislatures and Courts, and those clothed with a little brief authority, are not always governed by correct principles. If such were the case we might dispense with the whole Bill of Rights. In fact the same process of reasoning would strike out nearly every section after the 1st. In regard to the "necessity" of the proposed amendment, "stubborn facts" would seem to establish it beyond controversy. As the laws now stand all classes, sects and parties stand alike, individuals of all being liable to disabilities only on account of their own bad character, misfortunes or offences. I do not, therefore, recommend this amendment on account of, or for the benefit of any one, two or more classes, but for *all*, to forever protect ALL.

The Legislature of our own State has once blackened our statute book with a most infamous law, depriving one whole class and race of men from being witnesses in courts of law, against the spirit and letter of this same 1st Section, and that too under our "old Constitution."

That law remained in full force, a disgrace and reproach to our State, *yet sustained in all our Courts*, until it was repealed at the last session of the Legislature.

What warrant have we, therefore, that the next, or some subsequent Legislature, may not re-enact the same laws,—or go farther, and embrace other classes, sects and parties of men? It is in fact publicly proclaimed by one of the great parties, that if reinstated in power, they will re-enact them; and gentlemen in this Convention have expressed their willingness to go farther, and compel every member of certain classes to leave the State. With nearly the same declaration of rights in their Constitution as set forth in our famous 1st Section, other States have also passed laws depriving whole classes and sects of individuals of rights to which all other citizens were entitled, and especially of this right of giving, and of having given, testimony in Courts of Justice. With all these "stubborn facts" in view, can it be possible that any one who wishes to secure to every individual the rights set forth in the 1st Section, can have any objection to the amendment proposed to the 4th Section?—Nay! who can deny the *absolute necessity* of incorporating such a provision in our Constitution to prevent party madness, fanatical bigotry, narrow-minded jealousy and low-minded prejudice, from again outraging the most obvious principles of human rights and ordinary justice, and the common decencies of manhood, by their "class legislation," and partizan enactments?

In order to deprive the unfair and the ungenerous of all grounds for the charge that such amendment is sought, for the especial benefit of any one class, I would recommend its adoption in the following form:

4. No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion. And any person being a suitor in any court, shall have the right of taking and using the testimony of any other person not being a co-party, nor his own wife, or the wife of a co-party, and not being under legal disability on account of conviction for crime.

SEC. 10—A majority of the committee report back as it came to them, without any additional amendment.

R. L. B. CLARKE,  
*Chairman.*

Which was read, and ordered to lie on the table.

Mr. Gillaspay presented for Mr. Harris, a member of the same committee, the following minority

## REPORT.

The undersigned, as one of the Special Committee to whom was referred the Bill of Rights, with instructions to consider Sections 1, 4 and 10, and correct, if necessary, the phraseology of Section 18 as amended, begs leave to make the following Report, *viz*:

The amendment pending to Section 1 cannot, in striking out the word "Independent" and inserting the word "Equal," secure practically, to any one, rights they would not with equal safety enjoy if Section 1 be permitted to remain as at present fixed in the Constitution.

The sovereignty of the people being with us "a well conceded axiom," it follows with our theory (which none here deny,) that there can be no greater than the sovereign power of the people; and if superior to all other powers, being the source of all power, they must in point of government be "independent." When freemen form social and political compacts, they are mutually equal in natural and political rights, and independent of all other political and social relations.

And the peculiar phraseology of our Bill of Rights that "All men are by nature free and independent," when definitions are attempted to be given to the great foundation which underlies all our institutions of government, occurring more frequently than any other form of expression in the Constitution of other States of the Union, it is no more than fair to presume the multitude of statesmen and scholars who have adopted the word independent as most properly expressive of the true relation of men when associated under a civilized form of government,

whose source of power is in themselves, have not used the word "independent" so freely, without some proper understanding of its true meaning and correct use. I can see no reason for striking it out.

In the discussion that took place, on the amendment offered to Section four, it was conceded that the main object of its friends was, to make mulattoes, negroes and perhaps Indians, equal to any and all other classes of persons as to the right to give testimony in courts of justice—a right which all admit can only be denied them by affirmative, positive, prohibitory legislation, under the present Constitution.

No especial provision being inserted to operate for the especial benefit of any other class—with the records of the Convention pointing to the fact that certain things were done in order to more certainly secure the rights of such persons of color, in matters of testimony of which they were not deprived without such action—could, in the opinion of the undersigned, only be considered as pointing to such persons as those, to protect the rights of whom the Constitution we are to submit to the electors of the State was especially framed—and of course, according to them, a higher standard for integrity and intelligence than is allowed to those less deeply colored—a distinction it is hoped this Convention will not make.

In the amendment made to Section 10, the words "and in cases involving the life and liberty of an individual," as contra-distinguished from criminal law, and disconnected with any proceedings in the enforcement of the criminal law of the State, and being such as are not found in the Constitution of any other State in the Confederacy, should, before finally fixed in our Constitution, be carefully considered; and while it is right to cultivate those humane promptings of the heart that yearn to alleviate in any condition the sufferings of a fellow-man, care should be taken that we discriminate in the protection we would afford, between liberty secured by free written Constitutions, created and supported by those they are intended to govern, and the liberty of the wild, excited and infuriated mob. We have sworn to support the Constitution of the United States, and unless we would prove recreant to the oaths we have taken, and teach treason to its precepts, we must secure by the provisions of our own Constitution, on the part of courts and citizens, a due observance of the faith pledged to the citizens and laws of the other States which we imposed upon ourselves by becoming a party to the compact of the Union.

Unless thus prepared to act, it would seem better to cancel the bond and claim in future an exemption from its duties.

Section 2 of Article 4 of the Constitution of the United States—that any one committing a crime in any other State, cannot, if arrested in Iowa, demand a trial by jury here in Iowa, but must, on demand, be

delivered up to the authorities of the State where the crime was committed, to be tried by the Courts of such State—is founded upon obvious reasons.

There is no offence against the laws of this State;—the offender must answer to the law violated;—there is no offence against the law of any other State. The crime being local, the right to jury trial must be equally local. The Third Section provides that no person held to service or labor should be discharged, &c., but should, on demand of him to whom such labor is due, be delivered up.

Can any reason be given why one of those provisions is more binding than the other, and yet, while one is assented to without objection, this amendment is inserted to repudiate the other, unless a jury trial is allowed.

In the first instance, while the man is presumed innocent, he is, without proof, handed over to the iron fetters and stern demands of a supposed offended sanguinary criminal code of a foreign State, to undergo an inquisitorial investigation, that is to consign himself perhaps to a death of infamy, and his family to a life of shame; and yet there is not one word of testimony to prove guilt. Why submit to see those manacles thrust with such rudeness on those palsied limbs? For no other reason than a State we admit to be sovereign and independent, made the demand; our faith with her requires that we should not come between her offended majesty and those offending, but must trust the accused to her justice and amenity. But do these reasons apply with equal force to those who are fugitives from labor? Why not?—that which is the legal due of the citizens of one State by the laws thereof, may otherwise be canceled by the laws of another State, and it would seem clear that the courts of one State cannot be called upon to enforce rights, privileges or immunities created by the laws of another State, which are in direct violation of the laws of its own. But they may hand the parties over to have their rights determined by the courts of the State where the rights are created and obligations incurred.

Whether so intended or not, the amendment can serve no other purpose than to nullify any laws passed by Congress in aid of those provisions of the Constitution of the United States to which reference has been made, and stand in the organic laws of this State a solemn protest against complying with any demands that may be made by the citizens or authorities of other States, for persons escaping into this State who would be liable to be claimed under either of these provisions.

For these reasons the undersigned would recommend that Sections 1, 4 and 10, of the Bill of Rights, in the present Constitution, be adopted without amendment or change.

All of which is respectfully submitted.

A. HARRIS,  
*Minority Com.*

Which was read, and ordered to lie on the table.

Mr. Gillaspy moved that one hundred copies of each of the foregoing reports be printed for the use of the Convention ;

Upon this question the yeas and nays were demanded, and

A call of the House having been ordered, the following gentlemen appeared, *viz* :

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Johnston,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,)—29.

Those not answering to their names having been severally excused except one,

The Sergeant-at-Arms was despatched for the absentee ;

Upon his return, on motion, all further proceedings under the call were dispensed with.

The question was then taken by yeas and nays upon the motion of Mr. Gillaspy, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,

Messrs. Harris,  
Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,

Solomon—15.

#### NAYS.

Messrs. Bunker  
Clarke, of Johnson,

Messrs. Seely,  
Skiff,

Messrs. Edwards,  
Gower,  
Gray,  
Hollingsworth,  
Scott,

Messrs. Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,)—15.

Mr. Young moved a reconsideration of the vote by which one hundred copies of the reports of the Special Committee on Right of Suffrage were ordered to be printed respectively ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Gower,  
Gray,  
Hollingsworth,  
Springer, (Prest.,)—17.

Messrs. Scott,  
Seely,  
Skiff,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

#### NAYS.

Messrs. Ayers,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,

Solomon—13.

The question now being upon agreeing to the motion to print one hundred copies of each of said reports,

The yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Ayers,  
Clark, of Alamahee,  
Emerson,  
Gibson,  
Gillaspy,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,

Messrs. Hall,  
Harris,

Messrs. Robinson,  
Scott,

Solomon—15.

NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,  
Gower,  
Gray,  
Hollingsworth,

Messrs. Seely,  
Skiff,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, [Prest.,] 15.

On motion of Mr. Winchester,  
The Convention then adjourned.

## MONDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Rule having been suspended requiring three readings upon as many different days,

The Convention then resolved itself into Committee of the Whole, Mr. Gillaspv in the Chair, upon the consideration of the Report of the Special Committee on Right of Suffrage; and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that progress had been made in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

On motion of Mr. Gibson,

The Convention adjourned until seven o'clock, this evening.

## MONDAY EVENING.

At seven o'clock, P. M., the Convention again met.

Mr. Peters moved that the Convention do now adjourn ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Johnson,  
Edwards,  
Johnston,  
Peters,  
Robinson,

Messrs. Scott,  
Skiff,  
Solomon,  
Warren,  
Young—10.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clark, of Alamahee,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Seely,  
Traer,  
Wilson,  
Winchester,

Springer, [Prest.] 19.

On motion of Mr. Traer,

A call of the House was ordered,

Whereupon, the following gentlemen answered to their names :

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,

Messrs. Parvin,  
Patterson,  
Peters;  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,

Messrs. Gower,  
Gray,  
Hall,  
Marvin,

Messrs. Traer,  
Warren,  
Wilson,  
Young,

Springer, [Prest.,] 25.

On motion, Messrs. Day, Harris, Hollingsworth and Todhunter were severally excused,

Mr. Skiff moved that further proceedings under the call be dispensed with ;

Which motion was not agreed to.

The Sergeant-at-Arms having been despatched for the absentees,

Mr. Patterson moved that the Convention take a recess of ten minutes ;

Which motion was agreed to.

The Convention having again come to order,

Mr. Parvin moved that further proceedings under the call be dispensed with ;

Which motion was agreed to.

The Convention then resolved itself into Committee of the Whole, Mr. Gillaspie in the Chair, upon the consideration of the Report of the Special Committee on the Right of Suffrage ; and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that progress had been made in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

On motion,

The Convention adjourned.

## TUESDAY MORNING, FEBRUARY 24, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Gibson moved that the Convention resolve itself into Committee of the Whole upon the consideration of the Report of the Committee on Education and School Lands ;

Upon this question the yeas and nays were demanded, and,

A call of the House having been ordered,

The following gentlemen answered to their names ;

Messrs. Ayers,

Clarke, of Henry,

Clarke, of Johnson,

Clark, of Alamakee,

Gibson,

Gillaspy,

Gower,

Gray,

Hall,

Hollingsworth,

Marvin,

Palmer,

Parvin,

Messrs. Patterson,

Peters,

Price,

Scott,

Seely,

Skiff,

Solomon,

Traer,

Warren,

Wilson,

Winchester,

Young,

Springer, [P.] 26.

Messrs. Todhunter, Bunker and Harris having been severally excused,

On motion of Mr. Wilson,

All further proceedings under the call were dispensed with.

The question was then taken by yeas and nays upon the motion of Mr. Gibson, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,

Gibson,

Messrs. Palmer,

Patterson,

Messrs. Gillaspy,  
Hall,

Messrs. Peters,  
Price,

Solomon—9.

NAYS.

Messrs. Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,  
Parvin,

Messrs. Scott,  
Seely,  
Skiff,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,)—17.

The Convention then resolved itself into Committee of the Whole, Mr. Gillaspy in the Chair, upon the consideration of the Report of the Special Committee on Right of Suffrage: and, after sometime spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported that progress had been made in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

On motion of Mr. Clarke of Johnson,  
The Convention then adjourned.

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## TUESDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

Mr. Johnston moved that the Convention do now proceed to the consideration of the Report of the Committee on Education and School Lands, in Committee of the Whole;

Upon this question the yeas and nays were demanded and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Ayers,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,  
Palmer,  
Patterson,

Messrs. Peters,  
Price,  
Robinson,  
Seely,  
Solomon,  
Traer,  
Warren,  
Winchester,  
Springer, (P.,) 18.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gower,  
Gray,

Messrs. Hollingsworth,  
Marvin,  
Parvin,  
Scott,  
Skiff,  
Todhunter,  
Wilson,  
Young—16.

The Convention then resolved itself into Committee of the Whole, Mr. Parvin in the Chair, upon the consideration of the Report of the Committee on Education and School Lands: and, after sometime spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported that progress had been made in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

On motion of Mr. Traer,

Said subject was made the Special order for to-morrow morning at nine o'clock.

The Convention then proceeded to the consideration of the Report of the Standing Committee on Bill of Rights: and,

The question being on agreeing to the amendment recommended by the Special Committee, to strike out in the First Section the word "independent" and insert the word "equal,"

The yeas and nays were demanded;

A call of the House having been ordered, the following gentlemen appeared, viz :

Messrs. Ayers,  
 Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Clark, of Alamakee,  
 Day,  
 Edwards,  
 Ells,  
 Emerson,  
 Gibson,  
 Gillaspay,  
 Gower,  
 Gray,  
 Hall,  
 Harris,  
 Hollingsworth,  
 Marvin,

Messrs. Palmer,  
 Parvin,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Scott,  
 Seely,  
 Skiff,  
 Solomon,  
 Todhunter,  
 Traer,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,  
 Springer, (P.) 34.

The Previous Question having been demanded,

Upon the question,

Shall the main question now be put?

The same was agreed to, a majority of the members present voting therefor;

The question upon agreeing to said amendment was then decided in the affirmative, as follows:

#### YEAS.

Messrs. Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Clark, of Alamakee,  
 Edwards,  
 Ells,  
 Gower,  
 Gray,  
 Hollingsworth,  
 Marvin,

Messrs. Scott,  
 Seely,  
 Skiff,  
 Todhunter,  
 Traer,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,  
 Springer (P.) 20.

#### NAYS.

Messrs. Ayers,  
 Day,  
 Emerson,  
 Gibson,

Messrs. Johnston,  
 Palmer,  
 Parvin,  
 Patterson,

Messrs. Gillaspy,  
Hall,  
Harris,

Messrs. Peters,  
Price,  
Robinson,

Solomon—15.

Mr. Clarke, of Johnson, moved to amend the Fourth Section of said Report, by adding thereto, as follows :

“And any party to any judicial proceeding, shall have the right to use as a witness, or take the testimony of, any other person, not interested in the subject matter of the suit, who may be cognizant of any fact material to the case : and parties to suits may be witnesses as provided by law ;”

Mr. Palmer moved to amend the amendment by inserting the word “civil” before the word “suits” in the latter part thereof ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,

Messrs. Ells,  
Gower,  
Gray,  
Palmer,

Scott—9.

#### NAYS.

Messrs. Ayers,  
Bunker,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,  
Marvin,  
Parvin,  
Patterson,

Messrs. Peters,  
Price,  
Robinson,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer [P.] 26.

The question being upon agreeing to the amendment offered by Mr. Clarke, of Johnson,

The yeas and nays were demanded, and it was decided in the affirmative; as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hollingsworth;

Messrs. Marvin,  
Parvin,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Winchester—18.

## NAYS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon,  
Wilson,  
Young,

Springer, (Prest.)—17.

Mr. Harris moved to strike out of the Substitute adopted for the Tenth Section of said Report, the words “and in cases involving the life or liberty of an individual” near the beginning thereof;

And, the Previous Question having been demanded,

Upon the question,

Shall the main question now be put?

It was decided in the affirmative, a majority of the members present voting therefor.

Upon the question of agreeing to the motion of Mr. Harris,

The yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon—14.

## NAYS.

Messrs. Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Clark, of Alamahee,  
 Edwards,  
 Ells,  
 Gower,  
 Gray,  
 Hollingsworth,  
 Marvin,

Messrs. Parvin,  
 Scott,  
 Seely,  
 Skiff,  
 Todhunter,  
 Traer,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,

Springer, (Prest.,)—21.

Mr. Winchester moved that the Report with the amendments made thereto be referred to the Committee on Revision, Engrossment and Enrollment;

Which motion was agreed to.

Mr. Johnston moved that a Committee on Expenditures be appointed;

Which motion was agreed to.

On motion of Mr. Todhunter,  
 The Convention then adjourned.

## WEDNESDAY MORNING, FEBRUARY 25, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Parvin offered the following resolutions :

*Resolved*, That John Mahin is hereby employed to print \_\_\_\_\_ copies of the Journal of the Secretary, and that he be paid as a compensation therefor the same amount as is paid to the State Printer for like services.

*Resolved*, That the Secretary (T. J. Saunders) be employed to superintend the printing of, and to distribute the said Journal, and that he be allowed \_\_\_\_\_ dollars as compensation in full for his services.

*Resolved*, That John Mahin be employed to print \_\_\_\_\_ copies of the amended Constitution separate from the Journal, and that he be paid therefor the same as the State Printer, for like services.

Which having been read,

On motion of Mr. Traer, said resolutions were laid on the table subject to the order of the Convention.

Mr. Wilson offered the following :

*Resolved*, That the Secretary be and is hereby authorized to employ some competent person to act as Enrolling Clerk to this Convention ;

Which resolution was adopted.

Mr. Clarke, of Johnson, offered the following :

*Resolved*, That J. Bittman, of Dubuque county, be employed to translate the Constitution into German, and print three thousand copies of the same : and that for translating the same, he be paid the sum of \_\_\_\_\_ dollars ; and for printing, that he be paid the prices now paid by law for the same kind of work ;

Mr. Gibson moved that said resolution be so amended as to have one thousand copies printed in the Holland language ;

On motion, said resolution was laid on the table, subject to the order of the Convention.

The President announced the following as the Committee on Expenditures, *viz*: Messrs. Johnston, Clarke, of Johnson, and Parvin.

The Convention then resolved itself into Committee of the Whole, Mr. Parvin in the Chair, upon the consideration of the Report of the Committee on Education and School Lands: and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that progress had been made in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

Mr. Clarke, of Johnson, offered the following:

*Resolved*, That it be made the duty of the Secretary to prepare an enrolled copy of the Journal of the Convention and Constitution, which Journal shall be signed by the President and Secretaries, and filed in the office of the Secretary of State;

Which resolution was adopted.

Mr. Johnston offered the following:

*Resolved*, That the compensation of the officers of the Convention shall be fixed as follows:

T. J. Saunders, Secretary, at ——— dollars per diem;  
 E. N. Bates, Assistant Secretary, at ——— dollars per diem;  
 S. C. Trowbridge, Sergeant-at-Arms, at ——— dollars per diem;  
 Francis Thompson, Door-Keeper, at ——— dollars per diem;  
 J. H. Merritt, 1st Fireman, at ——— dollars per diem;  
 John Quaintance, 2d Fireman, at ——— dollars per diem;  
 James Hawkins, 1st Messenger, at ——— dollars per diem;  
 George Clearman, 2d Messenger, at ——— dollars per diem;  
 Willis Conard, 3d Messenger, at ——— dollars per diem,

The blanks in said resolution having been filled, so as to allow to the Secretary six dollars per diem; to the Assistant Secretary five dollars per diem; to the Sergeant-at-Arms, Door Keeper, 1st Fireman and 2d Fireman, each three dollars per diem; and, to each of the Messengers, two and a half dollars per diem;

The same, as amended, was then adopted.

Mr. Johnston offered the following :

*Resolved*, That Hon. Francis Springer shall receive three dollars per day for his services as President of the Convention, in addition to his pay and mileage as a member of the Convention ;

Which resolution was adopted.

Mr. Clarke, of Johnson, offered the following :

*Resolved*, That the Chaplain be paid one hundred and fifty dollars for his services ;

Which resolution was adopted.

On motion of Mr. Skiff,

The Convention then adjourned.

## WEDNESDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

Mr. Wilson offered the following resolutions :

*Resolved*, That W. Blair Lord be employed to superintend the publication of the Debates of this Convention, and to prepare an index to the same, and that he be allowed the sum of \_\_\_\_\_ dollars for his services.

*Resolved*, That each member of this Convention be furnished with \_\_\_\_\_ copies of the Debates when the same shall have been published for distribution.

On motion, the blank in the first resolution was filled with the words "one hundred and twenty ;" and, the blank in the second resolution, with the words "twenty-five ;"

Mr. Clarke, of Johnson, moved to amend the second resolution so as to allow to the Secretary, Assistant Secretary, Reporters and Sergeant-at-Arms, each five copies of the Debates : and

Mr. Todhunter moved that said resolution be so amended as to allow the Chaplain three copies of the Debates ;

Which motions were agreed to respectively: and

The resolutions, as amended, were adopted.

Mr. Palmer moved to reconsider the vote by which the resolutions offered by Mr. Wilson, as amended, were adopted;

Which motion was agreed to.

Mr. Winchester then moved that said resolutions be referred to a committee of three, with instructions to inquire into the expediency of increasing the number of copies of said Debates, to be printed;

Which motion was agreed to.

The Convention then resolved itself into Committee of the Whole, Mr. Parvin in Chair, upon the consideration of the Report of the Committee on Education and School Lands: and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole stated that they had concluded the consideration of the subject before them, and reported the same back to the Convention with sundry amendments;

Which report was received and the Committee discharged.

Mr. Wilson then moved that said report be laid upon the table, and made the special order for to-morrow morning at nine o'clock;

Which motion was agreed to.

The Convention then proceeded to the consideration of the Report of the Special Committee on Incorporations:

Said Report having been read,

Mr. Wilson offered the following as an additional section to said Report, to come in as the Seventh Section:

SEC. 7. If a general banking law shall be enacted, it shall provide for the registering and countersigning by an officer of State of all bills or paper credit designed to circulate as money and require security to the full amount thereof, to be deposited with the State Treasurer in United States stocks or in interest-paying stocks of States in good credit and standing to be rated at ten per cent below their average value in the city of New York for thirty days next proceeding their deposit; and, in case of a depreciation of any portion of said stocks to the amount of ten per cent. on the dollar, the bank or banks so depreciating shall make up said deficiency by depositing additional stocks; said law shall also provide for the recording of the names of all stockholders in

such corporations, the amount of stock held by each, the time of any transfer, and to whom ;

Upon the question of agreeing to the same the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Day,  
Ells,  
Emerson,  
Gibson,  
Harris,  
Hollingsworth,  
Johnston,  
Marvin,  
Palmer,

Messrs. Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seeley,  
Todhunter,  
Wilson,  
Winchester,  
Springer, (P.,) 22.

## NAYS.

Messrs. Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Gillaspy,  
Gower,

Messrs. Gray,  
Hall,  
Skiff,  
Solomon,  
Traer,  
Warren,

Young—13.

Mr. Traer moved to amend the Fourth Section of said Report so as to cause it to read as follows :

SEC. 4. "No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly, or become a stockholder in, or loan its credit to, any work of internal improvement to an amount exceeding six per cent. upon the assessed value of such political or municipal corporation ;" and

The Previous Question having been called for,

Upon the question,

Shall the main question now be put ?

It was decided in the affirmative, a majority of the members present voting therefor ;

Upon the question of agreeing to said amendment, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clark, of Alamahee,  
 Edwards,  
 Ells,  
 Gray,  
 Hollingsworth,  
 Wilson—11.

Messrs. Seely,  
 Skiff,  
 Todhunter,  
 Traer,  
 Warren,

## NAYS.

Messrs. Ayers,  
 Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Day,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gower,  
 Hall,  
 Harris,  
 Johnston,

Messrs. Marvin,  
 Palmer,  
 Parvin,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Scott,  
 Solomon,  
 Winchester,  
 Young,  
 Springer, [P.] 24.

The question now being upon adopting the Report of the Special Committee, as amended,

The yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker  
 Clarke, of Johnson,  
 Edwards,  
 Gibson,  
 Gower,  
 Gray,  
 Hall,  
 Hollingsworth,

Messrs. Johnston,  
 Price,  
 Skiff,  
 Todhunter,  
 Traer,  
 Warren,  
 Young,  
 Springer, [P.] 16.

## NAYS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamahee,  
 Day,  
 Ells,  
 Emerson,

Messrs. Palmer,  
 Parvin,  
 Patterson,  
 Peters,  
 Robinson,  
 Scott,

Messrs. Gillaspy,  
Harris,  
Marvin,

Messrs. Seely,  
Solomon,  
Wilson,

Winchester—19.

Mr. Skiff moved that the Convention do now adjourn ;

Mr. Clark, of Alamakee, moved to amend by making the time of adjournment to seven o'clock this evening ;

Which motion to amend was disagreed to ; and

The motion to adjourn was also disagreed to.

The Report of the Committee on Incorporations, as amended in Convention, previous to its reference to the Special Committee, was then taken up ; and

The same having been read,

Mr. Wilson moved the following as a Substitute for the Second Section of said Report :

SEC. 2. "The property of all corporations for pecuniary profit, now existing, or hereafter created, shall forever be subject to taxation, the same as property of individuals."

Mr. Solomon moved that the Convention do now adjourn ;

Which motion was not agreed to.

Mr. Skiff moved that the Report be laid on the table, and made the special order for Friday next ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Emerson,  
Gower,  
Gray,  
Hall,  
Hollingsworth,

Messrs. Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Traer,

Young—17.

#### NAYS.

Messrs. Ayers,  
Clarke, of Henry,

Messrs. Marvin,  
Palmer,

Messrs. Clark, of Alamakee,  
Day,  
Ells,  
Gibson,  
Gillaspy,  
Harris,  
Johnston,

Messrs. Parvin,  
Patterson,  
Todhunter,  
Warren,  
Wilson,  
Winchester,  
Springer, [P.] 18.

The Substitute offered by Mr. Wilson was then disagreed to.

Mr. Clarke, of Johnson, offered the following as a Substitute for that portion of the Report from the Sixth to the Seventeenth Sections inclusive:

SEC. 6. Banking institutions may be provided for by law, but no law creating any such institution, shall be in force and take effect, until the same shall have been submitted to a vote of the people, and received a majority of the votes cast upon the question at such election;

Mr. Patterson moved that the Convention do now adjourn;

Upon this question the yeas and nays were demanded, with the following result:

#### YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Emerson,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Johnston,  
Palmer,

Messrs. Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,

Young—21.

#### NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Ells,  
Gibson,  
Gillaspy,

Messrs. Harris,  
Marvin,  
Traer,  
Warren;  
Wilson,  
Winchester,  
Springer, [P.] 14.

So the Convention adjourned till nine o'clock to-morrow morning.

## THURSDAY MORNING, FEBRUARY 26, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

The President announced Messrs. Winchester, Hall and Todhunter as the committee to whom the resolutions offered by Mr. Wilson yesterday, would be referred.

Mr. Gibson offered the following, which under the Rule was laid over one day for consideration :

*Resolved*, That this Convention meet each evening at seven o'clock, in addition to the regular sessions, during the remainder of said Convention :

Mr. Johnston offered the following :

*Resolved*, That a Select Committee of three be appointed to inquire into the expediency of reporting an additional section to the Article on Education and School Lands, providing for the proper disposition and investment of the permanent school fund ;

Which resolution was adopted and the President appointed Messrs. Johnston, Clarke, of Henry, and Clark, of Alamahee, said committee.

Mr. Clarke, of Johnson, moved that the consideration of the special order of the morning be postponed ;

Which motion was agreed to.

Mr. Wilson moved to reconsider the vote taken yesterday, by which the Report of the Special Committee on Incorporations was disagreed to.

The Previous Question having been demanded,

Upon the question,

Shall the main question now be put ?

It was decided in the affirmative, a majority of the members present voting therefor.

Upon the question of reconsidering said vote as moved by Mr. Wilson, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Gibson,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Johnston,  
Marvin,  
Parvin,  
Patterson,

Messrs. Price,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, [P.] 24.

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamahee,  
Day,  
Ells,

Messrs. Gillaspay,  
Harris,  
Palmer,  
Peters,  
Emerson,

Robinson—11.

Mr. Wilson then moved to amend said Report of the Special Committee by adding thereto an additional section, as follows :

“If a State Bank be established, the branches shall be mutually responsible for each others liabilities upon all paper credit issued as money, and such bank shall be founded on an actual specie basis ;”

Which was agreed to.

Mr. Parvin moved to amend said Report by adding thereto the following Section :

“Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors over and above the amount of stock by him or her held to an amount equal to his or her respective shares so held for all its liabilities ;”

Mr. Clark, of Alamahee, moved to amend said proposed additional Section by adding thereto, as follows :

“And in all cases where its stock shall be transferred, the liability of the assignee shall not cease nor shall the liability of the assignee

commence until the expiration of six months after such transfer shall have been duly recorded as provided by law ;”

Upon the question of agreeing to said amendment to the amendment the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,

Messrs. Harris,  
Marvin,  
Palmer,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,

Solomon—17.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Johnston,  
Parvin;

Messrs. Patterson,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, [P.] 18.

Mr. Emerson moved to amend said proposed Section, by adding thereto as follows :

“The officers and stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted during the time of their being officers or stockholders of such corporation or association ;”

Upon the question of agreeing to the amendment to the amendment, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Emerson,

Messrs. Gibson,  
Gillaspy,  
Harris,  
Peters,  
Solomon,—10.

## NAYS.

Messrs. Bunker,  
 Clarke, of Johnson,  
 Edwards,  
 Ells,  
 Gray,  
 Hall,  
 Hollingsworth,  
 Johnston,  
 Marvin,  
 Palmer,  
 Parvin,  
 Patterson,

Messrs. Price,  
 Robinson,  
 Scott,  
 Seely,  
 Skiff,  
 Todhunter,  
 Traer,  
 Warren,  
 Wilson,  
 Winchester,  
 Young,  
 Springer [P.] 24.

Mr. Clarke, of Henry, moved to amend said proposed Section by adding thereto, as follows: "Accruing while he or she remains such stockholder ;"

Which amendment was accepted by the mover.

Mr. Clarke, of Johnson, moved to amend said proposed section by adding thereto, as follows: "And that no person while a stockholder shall be allowed to transfer any of his personal or real property ,"

Which amendment was not agreed to.

The question now being upon agreeing to said proposed Section, as amended by Mr. Clarke, of Henry,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamahee,  
 Day,  
 Edwards,  
 Ells,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Gower,  
 Gray,  
 Harris,  
 Johnston,  
 Marvin,

Messrs. Palmer,  
 Parvin,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Scott,  
 Seely,  
 Solomon,  
 Todhunter,  
 Traer,  
 Wilson,  
 Winchester,  
 Young,

Springer, [Prest.,] 29.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Hall,

Messrs. Hollingsworth,  
Skiff,  
Warren—6.

Mr. Traer moved to amend said Report by adding thereto the following Section :

“The President and Directors of every banking company or association incorporated under the laws of this State, shall be personally liable to the stockholders, bill holders, and depositors for all frauds and defalcations perpetrated by the bank or its officers during the term of their office ;”

Upon the question of agreeing to said motion the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Day,  
Emerson,  
Gillaspy,  
Harris,  
Johnston,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,  
Solomon,  
Traer,

Springer, (Prest.,)—13.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gibson,  
Gower,  
Hall,  
Hollingsworth,

Messrs. Marvin,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Warren,  
Wilson,  
Winchester,

Young—21.

Mr. Parvin offered the following as an additional Section to said report :

“In case of the insolvency of any banking institution the bill holders have a preference over its other creditors, and the suspension of specie payments by banking institutions shall never be permitted or sanctioned ;”

Which was agreed to.

Mr. Solomon moved to strike out the Fourth and all subsequent sections of said Report and insert a section in lieu thereof, as follows:

“The power to issue paper money shall not be granted by this State;”

The Previous question having been demanded,

Upon the question,

Shall the main question now be put?

The yeas and nays were demanded, and it was decided in the negative as follows:

#### YEAS.

Messrs. Clark, of Alamakee,  
Hall,  
Parvin,  
Robinson,  
Skiff,

Messrs. Todhunter,  
Traer,  
Wilson,  
Winchester,  
Young—10.

#### NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,

Messrs. Harris,  
Hollingsworth,  
Johnston,  
Marvin,  
Palmer,  
Patterson,  
Peters,  
Price,  
Scott,  
Seely,  
Solomon,  
Warren,

Springer, (Prest.,)—25.

Mr. Hall moved that said Report, with amendments thereto, be laid upon the table;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

#### YEAS.

Messrs. Clarke, of Johnson,  
Edwards,  
Emerson,  
Gillaspy,

Messrs. Hall,  
Johnston,  
Price,  
Warren—8.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clark, of Alamahee,  
Day,  
Ells,  
Gibson,  
Gower,  
Gray,  
Harris,  
Hollingsworth,  
Marvin,  
Palmer,

Messrs. Parvin,  
Patterson,  
Peters,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,)—27.

The question now being upon agreeing to the motion of Mr. Solomon, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Emerson,

Messrs. Peters,  
Solomon—4.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Day,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.) 31.

Mr. Clarke, of Johnson, moved to amend said Report by striking out all after the Fourth Section and substituting, as follows :

“The General Assembly shall provide by law for the creation of

banking institutions, but no such law shall take effect and be in force until the same shall have been submitted to a vote of the people, and received a majority of the votes cast for and against the proposed law at such election ;”

The Previous Question having been demanded,

Upon the question,

Shall the main question now be put?

It was decided in the affirmative, a majority of the members present voting therefor.

Upon the question of agreeing to the motion of Mr. Clarke, of Johnson, the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Warren—5.

Messrs. Hall,  
Skiff,

#### NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Harris,  
Hollingsworth,  
Johnston,  
Marvin,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters;  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Todhunter,  
Traer,  
Wilson,  
Winchester,  
Young,  
Springer, (P.) 30.

The question now being upon the adoption of said Report of the Special Committee, as amended,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Bunker,

Messrs. Marvin,  
Palmer,

Messrs. Clarke, of Henry,  
 Clark, of Alamakee,  
 Day,  
 Edwards,  
 Ells,  
 Gibson,  
 Gillaspy,  
 Gower,  
 Gray,  
 Hall,  
 Harris,  
 Hollingsworth,  
 Johnston,

Messrs. Parvin,  
 Patterson,  
 Price,  
 Robinson,  
 Scott,  
 Seely,  
 Skiff,  
 Todhunter,  
 Traer,  
 Wilson,  
 Winchester,  
 Young,  
 Springer, (P.) 30

# NAYS.

Messrs. Clarke, of Johnson,  
 Emerson,

Messrs. Peters,  
 Solomon,

Warren—5.

Mr. Traer moved that said Report, as amended, be ordered to a third reading and that it be referred to the Committee on Revision, Engrossment and Erollment;

Which motion was agreed to.

On motion of Mr. Traer,

The Convention then resolved itself into Committee of the Whole, Mr. Todhunter in the Chair, upon the Report of the Committee on Miscellaneous Matter: and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported, that progress had been made in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

On motion of Mr. Warren,

The Convention then adjourned.

## THURSDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Convention resolved itself into Committee of the Whole, Mr. Todhunter in the Chair, upon the consideration of the Report of the Committee on Miscellaneous Matter ; and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole stated, that they had concluded the consideration of the subject before them, and reported the same back to the Convention with sundry amendments.

On motion, said report was received and the Committee were discharged.

The Report of the Committee of the Whole upon the Report of the Committee on Miscellaneous Matter with the amendments made thereto, was then taken up for consideration.

The First Section of said Report being under consideration, as follows :

SEC. 1. "The jurisdiction of Justices of the Peace shall extend to all civil courts, (except cases in chancery and cases where the question of title to any real estate may arise,) when the amount in controversy does not exceed fifty dollars, and, by the consent of parties may be extended to any amount not exceeding three hundred dollars ;" and,

The question being upon agreeing to the amendment made in Committee of the Whole to said Section by striking out the word "fifty" and inserting the word "one hundred,"

The same was agreed to.

The Fifth Section of said Report being under consideration, as follows :

5. "In all cases of elections to fill vacancies in office, occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term and no longer unless re-elected and all persons appointed to fill vacancies in office shall hold until the next general election only ;" and

The question being upon agreeing to the amendment made in Committee of the Whole to said section by striking out the words "and no longer unless re-elected" near the middle thereof, and also the word "only" at the end thereof, and adding the words "and until their successors are elected and qualified,"

The same was agreed to.

The Sixth Section of said Report being under consideration, as follows :

6. The State University shall consist of a single institution and be permanently located at Iowa City. The present State Capitol, with such improvements and additions as may be provided for by law, shall be occupied by the State University when not used by the State for other purposes ;

The question being upon agreeing to the amendment made in Committee of the Whole by striking out said Section,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,  
Marvin,  
Patterson,

Messrs. Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Wilson,  
Winchester,  
Young—24.

#### NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Gower,

Messrs. Gray,  
Hollingsworth,  
Palmer,  
Parvin,  
Traer,

Springer [Prest.,] 11.

The Seventh Section of said Report being under consideration, as follows :

SEC. 7. The General Assembly shall not locate any of the public

lands which have been or which may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant; the extent of the claim of such occupant so exempted shall not exceed three hundred and twenty acres ;”

Upon the question of agreeing to the amendment made in Committee of the Whole, to strike out said section,

The yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Day,  
Edwards,  
Emerson,  
Gray,  
Hall,  
Patterson,  
Peters,

Messrs. Robinson,  
Scott,  
Seely,  
Todhunter,  
Warren,  
Winchester,  
Young,  
Springer (P.) 16.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Harris,

Messrs. Hollingsworth,  
Johnston,  
Marvin,  
Palmer,  
Parvin,  
Price,  
Skiff,  
Solomon,  
Traer,

Wilson—19.

The amendment made in Committee of the Whole to said Report by affixing thereto an additional Section, being under consideration, as follows :

8. “No law that may hereafter be passed by the Legislature and be approved by the Governor shall be submitted to the people to be voted upon previous to taking effect, subject to the foregoing provisions of this Constitution,” and

The question being upon agreeing to said amendment, the yeas and nays were demanded and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Emerson,

Messrs. Price,  
Robinson,

Messrs. Gillaspy,  
Hall,  
Palmer,  
Patterson,

Messrs. Seely,  
Skiff,  
Solomon,  
Todhunter,

Winchester—13.

# NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Gibson,  
Gower,  
Gray,  
Harris,

Messrs. Hollingsworth,  
Johnston,  
Marvin,  
Parvin,  
Peters,  
Scott,  
Traer,  
Warren,  
Wilson,  
Young;  
Springer, (P.) 22.

The amendments made in Committee of the Whole to said Report having been all considered,

Mr. Edwards moved the following as an additional Section thereto :

“No county or other political or municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount in the aggregate exceeding five per centum on the value of the taxable property within such county or corporation, to be ascertained by the last State and county tax lists ;”

Mr. Emerson offered the following as a Substitute for said proposed Section :

“No political or municipal corporation shall become a stockholder in any corporate company, nor shall the bonds or other evidences of indebtedness be loaned directly or indirectly to aid in any work of internal improvement ;”

Upon the question of agreeing to said Substitute, the yeas and nays were demanded and it was decided in the negative, as follows :

# YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Emerson,

Messrs. Gray,  
Hall,  
Palmer,  
Solomon,  
Warren,

Winchester—11.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Harris,  
Hollingsworth,  
Johnston,  
Marvin,  
Parvin,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Wilson,  
Young,  
Springer [P.] 24.

Upon the question of agreeing to the additional Section offered by Mr. Edwards, the yeas and nays were demanded and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hall,  
Hollingsworth,

Messrs. Marvin,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Young,

Springer, (Prest.,)—19.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Emerson,  
Gibson,  
Gillaspy,  
Harris,  
Johnston,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon,  
Winchester—16.

Mr. Skiff offered the following as an additional Section to said Report:

“No person shall be eligible to any office in this State until he is a

voter in the election district where he is to exercise the functions of his office ;”

Which was not agreed to.

Mr. Winchester offered the following as an additional Section to said Report :

“The General Assembly shall have the power to prohibit the manufacture and sale of intoxicating liquors ;”

Mr. Harris moved that the same be laid on the table ;

Upon this question the yeas and nays were demanded and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Clark, of Alamakee,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,  
Palmer,

Messrs. Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Wilson,  
Young—20.

#### NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Day,  
Ells,  
Gower,  
Gray,

Messrs. Hollingsworth,  
Marvin,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Winchester,

Springer, (Prest.,) 15.

Mr. Warren offered the following as an additional Section to said Report :

“No contractor or hands employed in building railroads or other public improvements shall be entitled to vote in any county, city or town upon said county, city or towns’ taking stock or issuing bonds for such railroad or public improvement, unless a resident six months in said county, city or town, prior to offering to vote ;”

Upon the question of agreeing said proposed Section the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Henry,  
Day,  
Edwards,  
Ells,

Messrs. Marvin,  
Scott,  
Skiff,  
Warren—8.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Seely,  
Solomon,  
Todhunter,  
Traer,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,)—27.

On motion said Report, as amended, was ordered to have a third reading and was referred to the Committee on Revision, Engrossment and Enrollment.

Mr. Winchester moved that when the Convention adjourns, it will adjourn until seven o'clock this evening ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Edwards,  
Gibson,

Messrs. Marvin,  
Robinson,  
Traer,  
Wilson,  
Winchester,

Young—11.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Ells,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,

Messrs. Emerson,  
Gillaspay,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Price,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter;  
Warren,  
Springer [P.] 24.

On motion of Mr. Hall,  
The Convention then adjourned.

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FRIDAY MORNING, FEBRUARY 27, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

On motion of Mr. Traer,

The resolutions offered by Mr. Parvin on Wednesday last, were taken up, as follows :

*Resolved*, That John Mahin is hereby employed to print \_\_\_\_\_ copies of the Journal of the Secretary, and that he be paid as a compensation therefor the same amount as is paid to the State Printer for like services.

*Resolved*, That the Secretary (T. J. Saunders) be employed to superintend the printing of, and to distribute the said Journal, and that he be allowed \_\_\_\_\_ dollars as compensation in full for his services.

*Resolved*, That John Mahin be employed to print \_\_\_\_\_

copies of the amended Constitution separate from the Journal, and that he be paid therefor the same as the State Printer, for like services.

Mr. Gower moved to fill the blank in the first resolution with the words "fifteen hundred ;"

Mr. Marvin moved to fill said blank with the words "twenty-five hundred ;"

The motion of Mr. Marvin was disagreed to, and

The motion to fill said blank with the words "fifteen hundred" was then agreed to.

Mr. Parvin moved to fill the blank in the second resolution with the words "four hundred ;"

Pending the consideration of said motion,

Mr. Clarke, of Johnson, moved that said resolutions be referred to a Select Committee of three :

Which motion was agreed to, and the President appointed Messrs. Clarke, of Johnson, Hall and Parvin said committee.

Mr. Clarke, of Johnson, moved that the resolutions offered by him on Wednesday last, relative to printing the Constitution in German, be referred to the same committee ;

Which motion was agreed to.

Mr. Gibson offered the following :

*Resolved*, That the Select Committee just appointed be instructed to inquire into the expediency of having one thousand copies of the Constitution printed in the Holland language, and that Henry Scholte, of Pella, Marion county, be employed to print and superintend the same, and that he be allowed the same compensation as provided by law ;

Which resolution was adopted.

The resolution offered by Mr. Gibson yesterday, relative to holding evening sessions, was taken up for consideration : and

On motion of Mr. Skiff,

The same was indefinitely postponed.

The Convention then proceeded to the consideration of the Report of the Committee on Education and School Lands, as amended in Committee of the Whole :

The first Section of said Report being under consideration, as follows :

SEC. 1. "The educational interests of the State, to include common schools and other educational institutions, shall be under the management and control of a Board of Education, which shall consist of sixteen members ;" and,

The question being upon agreeing to the amendment made in Committee of the Whole by striking out the words "sixteen members" and inserting in lieu thereof the words "of one member from each judicial district,"

The same was agreed to.

The Second Section of said Report being under consideration, as follows :

SEC. 2. "No person shall be eligible as a member of said Board, who shall not have attained the age of twenty-five years and been two years a citizen of the State ;" and,

Upon the question of agreeing to the amendment made in Committee of the Whole to said Section by striking out the word "two" in the latter part thereof, and inserting the word "one" in lieu thereof,

The same was agreed to.

The Third Section of said Report being under consideration, and the question being upon agreeing to the amendments made in Committee of the Whole, causing said Section to read as follows :

SEC. 3. "One member of said Educational Board shall be chosen by the qualified electors of each district, and shall hold his office for the term of four years ; and after the first election under this Constitution, the Board shall be divided by lot as nearly as practicable into two equal classes, and the seats of the first class shall be vacated after the expiration of two years, and one-half of the Board shall be chosen every two years thereafter,"

The same was agreed to.

The Fifth Section of said Report being under consideration, as follows :

SEC. 5. "The session of the said Board shall be limited to twenty days, and but one session shall be held in one year except upon extraordinary occasions, when upon the recommendation of two-thirds of the Board, the Governor may order a Special Session ;" and,

The question being upon agreeing to the amendment made in Committee of the Whole to said Section, by adding thereto as follows : "And each member of such Board shall perform such duties in the

District in which he is elected, as Superintendent of Schools, as may be provided by law ;”

The same was agreed to.

The Sixth Section of said Report being under consideration, as follows :

SEC. 6. The Board of Education shall organize by appointing from their body a presiding officer and the appointment of a Secretary, and other inferior officers usual in Legislative Assemblies. They shall keep and publish a Journal of their proceedings, which shall be distributed in the same manner as the Journals of the General Assembly ;” and,

The question being upon agreeing to the amendments made in Committee of the Whole to said section by striking out the word “inferior” and inserting in lieu thereof the word “necessary ;” also, by striking out the words “usual in Legislative Assemblies ;”

The same were agreed to.

The Tenth Section of said Report being under consideration as follows :

SEC. 10. “The Board of Education shall provide a system of Common Schools by which a school shall be organized and kept in each district at least three months in each year. Districts failing to organise and keep up a school may be deprived of their portion of the School Fund ;” and,

The question being upon agreeing to the amendment made in Committee of the Whole to said section by striking out the word “three” and inserting the word “six,”

Mr. Skiff moved to amend the amendment by striking out the word “six” and inserting the word “four ;”

Which motion was not agreed to.

The yeas and nays having been demanded upon agreeing to the amendment made in Committee of the Whole, it was decided in the negative, as follows :

#### YEAS.

Messrs. Clarke, of Henry,  
Emerson,  
Gibson,  
Hall,  
Johnston,  
Marvin,  
Patterson,  
Peters,

Price,  
Robinson,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Winchester,  
Young—16.

## NAYS.

Messrs. Bunker,  
 Clarke, of Johnson,  
 Clark, of Alamakee,  
 Day,  
 Ells,  
 Gillaspy,  
 Gower,  
 Gray,

Messrs. Harris,  
 Hollingsworth,  
 Palmer,  
 Parvin,  
 Scott,  
 Seeley,  
 Traer,  
 Wilson,

Springer, [Prest.,] 17.

The Eleventh Section being under consideration, as follows :

SEC. 11. "The Board of Education shall establish one University, which shall be located at some central point in the State; *provided* that until such time as said location may be made and suitable buildings erected, said University shall continue as at present located;" and,

The question being upon agreeing to the amendment made in Committee of the Whole by striking out said section,

The same was agreed to.

The Twelfth Section of said Report being under consideration, as follows :

SEC. 12. "The University lands and the proceeds thereof and all monies belonging to said Fund shall be a permanent fund for the sole use of the said University. The interest arising from the same shall be annually appropriated for the support and benefit of said University;" and,

The question being upon agreeing to the amendment made in Committee of the Whole to said section, by striking out the word "said" where it occurs before the word "University," near the middle of the section, and inserting the words "the State,"

The same was agreed to.

The Seventeenth Section of said Report being under consideration, as follows :

SEC. 17. The money subject to the support and maintenance of Common Schools shall be distributed to the districts in proportion to the number of unmarried youths between the ages of five and twenty-one years;" and,

The question being upon agreeing to the amendment made in Committee of the Whole, by adding thereto the words "in such manner as may be provided by the General Assembly,"

The same was agreed to.

The Eighteenth section of said Report being under consideration, as follows :

SEC. 18. The Board of Education shall each receive the same per diem and mileage as their compensation, as members of the General Assembly ;" and,

The question being upon agreeing to the amendment made in Committee of the Whole to said section, by inserting near the beginning of said section between the word "the" and "Board" the words "members of the,"

The same was agreed to.

The amendments made in Committee of the Whole to said Report having all been considered,

Mr. Clarke, of Johnson, moved to strike out the words "twenty days and," near the commencement of the Fifth Section of said Report ;

Which motion was not agreed to.

Mr. Marvin moved to amend the Tenth Section of said Report, by striking out the first clause thereof and inserting as follows :

"The Legislature shall provide for raising funds sufficient so that schools shall be kept in each District at least six months in each year—which schools shall be free of charge, and equally open to all ;"

Mr. Gillaspy moved to amend the amendment by adding thereto the words "white children ;"

Mr. Hall moved that the amendment offered to the Tenth Section, together with the amendment to the amendment be laid on the table ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative as follows :

#### YEAS.

Messrs. Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Palmer,  
Patterson,  
Peters,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Winchester,

Springer, [Prest.] 23.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Gray,

Messrs. Marvin,  
Parvin,  
Traer,  
Wilson,  
Young,—10.

On motion of Mr. Warren,  
The Convention then adjourned.

## FRIDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The consideration of the Report of the Committee on Education and School Lands was resumed.

Mr. Ells offered the following as a substitute for the Tenth Section of said Report :

SEC. 10. "The Board of Education shall provide for the education of all the youths of the State through a system of common schools.—A school shall be organized and kept in each district at least three months in each year. Districts failing for two consecutive years to organize and keep up a school, may be deprived of their portion of the School Fund ;"

Mr. Gillaspy moved to amend the amendment by striking out the word "youths" and inserting the words "white children;"

The previous Question having been demanded,

Upon the question,

Shall the main question now be put ?

It was decided in the affirmative, a majority of the members present voting therefor.

Upon the question of agreeing to the motion of Mr. Gillaspy, the yeas and nays were demanded, and, it was decided in the negative, as follows :

## YEAS.

Messrs. Day,  
Emerson,  
Gibson,  
Gillaspy,  
Harris,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,

Solomon—11.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Marvin,

Messrs. Parvin,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P.,) 22

Upon the question of agreeing to the Substitute for the Tenth Section of said Report,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Marvin,

Messrs. Parvin,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P.) 22

## NAYS.

Messrs. Day,  
Emerson,  
Gibson,  
Gillaspy,  
Palmer,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Solomon—10

Mr. Hall moved to strike out the Ninth Section of said Report ;  
Which motion was agreed to.

Mr. Hall moved to amend the Eighth Section of said Report by adding thereto as follows :

“*Provided*, That all acts, rules and regulations of said Board may be altered, amended, or repealed, by the General Assembly;”

Which motion was agreed to.

Mr. Hall offered the following to come in as Section Ninth of said Report :

SEC. 9. The sessions of the Board of Education shall not be held during the time the General Assembly are in session. The Governor may attend the sessions of the Board ; he may take part in their deliberations, and discussions, but shall have no vote. He may exercise the veto power upon all acts, rules and regulations passed by the Board in the same manner as is provided for acts of the General Assembly ;

Which was agreed to.

Mr. Clarke, of Johnson, offered the following to come in as the Eleventh Section :

SEC. 11. “The State University shall consist of a single institution and be permanently located at Iowa City. The present State Capitol with such improvements and additions as may be provided for by law shall be occupied by the State University when not used by the State for other purposes ;”

Mr. Skiff offered the following as a Substitute for said proposed Section :

“The State University shall consist of a single institution and be permanently located at one place ; which place shall be on some part of the five sections of land belonging to the State of Iowa, in Jasper county, heretofore granted to the State by Act of Congress for the State Capitol;”

Mr. Edwards moved that said proposed Section and Substitute be laid upon the table ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Clarke, of Henry,  
Edwards,  
Ells,  
Gower,

Messrs. Marvin,  
Patterson,  
Price,  
Seely,

Messrs. Hall,  
Hollingsworth,  
Johnston,

Messrs. Traer,  
Winchester,  
Young—14.

NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Harris,  
Palmer,

Messrs. Parvin,  
Peters,  
Robinson,  
Scott,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Wilson,  
Springer, (P.) 20

By general consent of the Convention, the Substitute was then withdrawn.

Mr. Todhunter moved to strike out of said proposed Section all after the word "institution," near the beginning thereof;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows:

YEAS.

Messrs. Clark, of Alamakee,  
Day,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,  
Marvin,  
Patterson,

Messrs. Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Todhunter,  
Wilson,  
Winchester,  
Young—18.

NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Emerson,  
Gower,  
Gray,  
Hollingsworth,

Messrs. Palmer,  
Parvin,  
Peters,  
Skiff,  
Traer,  
Warren,  
Springer (P.) 14.

The proposed section as amended, was then agreed to.

Mr. Palmer offered the following to come in as the Seventeenth Section of said Report :

SEC. 17. The General Assembly shall provide by general laws for the levying and collecting of all taxes for the support of schools and for the building and repairing of school houses ;”

Mr. Solomon moved to amend said proposed section by adding thereto as follows :

“But the property of colored persons shall not be taxed for such purpose ;”

Which amendment was not agreed to, and,

The proposed section offered by Mr. Palmer,

Was then disagreed to.

Mr. Scott moved to strike out in the Seventeenth Section of said Report the word “unmarried ;”

Which motion was agreed to.

Mr. Palmer offered the following to come in as the Seventeenth Section of said Report :

SEC. 17. “The Board of Education shall have no power to levy taxes for the support of schools, or the erection or repairing of school houses ;”

Which motion was agreed to.

Mr. Clarke, of Henry, moved to strike out the first nine sections of said Report and Substitute therefor as follows :

SEC. 1. The General Assembly shall provide for the election or appointment of a Board of Education, who shall be the Trustees of the University and shall have the general charge and control of education in the State. They shall have power to appoint a Secretary of the Board who shall be their executive agent and perform such other duties as may be imposed upon him by the Board of Education or the laws of the State.

SEC. 2. The powers and duties of such Board and Trustees and their terms of office and compensation shall be prescribed by law ;

The Previous Question having been demanded,

Upon the question,

Shall the main question now be put ?

It was decided in the affirmative, a majority of the members present voting therefor.

Upon the question of agreeing to said Substitute for the first nine Sections of said Report,

The yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,	Messrs. Gray,
Clarke, of Henry,	Wilson,
Clark, of Alamakee,	Young,
Springer, (Prest.,)—7.	

## NAYS.

Messrs. Clarke, of Johnson,	Messrs. Palmer,
Day,	Parvin,
Edwards,	Patterson,
Ells,	Peters,
Emerson,	Price,
Gibson,	Robinson,
Gillaspy,	Scott,
Gower,	Seely,
Hall,	Skiff,
Harris,	Solomon,
Hollingsworth,	Todhunter,
Johnston,	Traer,
Marvin,	Warren,

Winchester—27.

Mr. Traer moved a reconsideration of the vote by which the section to come in as the Ninth Section, was adopted ;

Which motion was not agreed to.

Mr. Johnston, from the Select Committee to whom was referred yesterday a Resolution of Inquiry, submitted the following

## REPORT.

The Select Committee to whom was referred the Resolution of Inquiry in relation to the proper investment of the perpetual School Fund of the State, beg leave to report the following additional section to the Article on Education and School Lands :

EDWARD JOHNSTON,  
*Chairman.*

The General Assembly shall provide that after the year \_\_\_\_\_ the perpetual school fund loaned by the School Fund Commissioners, Superintendent of Public Instruction, or distributed in the several counties of the State, shall be gradually withdrawn and invested in

United States stocks, the stock of interest-paying States, or loaned to the State of Iowa. And the General Assembly shall further provide that all other monies belonging to said perpetual School Fund, or accruing in any manner to the same, shall be invested in like manner as soon as practicable: and for all sums thus invested or borrowed, the State shall pay an annual interest of not less than six per cent., to be distributed as provided by law without charge to the School Fund;

Said Report having been read, the same was received, and the Committee discharged.

The Convention then proceeded to consider the Report of said Committee as an additional Section to the Report of the Committee on Education and School Lands;

Mr. Solomon moved to amend said proposed section by adding thereto as follows:

*“Provided, That such stock shall never be used as a basis for banking ;”*

Mr. Johnston moved that the Convention do now adjourn ;

Which motion was agreed to, and the Convention adjourned until tomorrow morning at nine o'clock.

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## SATURDAY MORNING, FEBRUARY 28, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Winchester, from the Select Committee to whom was referred the resolutions offered by Mr. Wilson, on Wednesday last, made the following

## REPORT.

The Select Committee to whom was referred the subject of indexing and superintending the publication of the Debates and the distribution of the same, beg leave to report the following resolutions:

*Resolved*, That W. Blair Lord be employed to index and superintend the publication of the Debates of this Convention, and that he be allowed the sum of one hundred and twenty dollars for said services.

*Resolved, further*, That five hundred more copies of said Debates be ordered from the publisher, in addition to the fifteen hundred copies already ordered, and if the same shall exceed twelve hundred pages, they shall be bound in two separate volumes.

And, when the Debates shall have been published, they shall be distributed as follows:

Eight copies to the State Historical Society;

Two copies to each State and organized Territory;

Five copies to each county in the State, one of which shall be kept in the county offices;

Twenty copies to each member of this Convention;

Five copies to each member of the Senate;

One copy to each member of the House of Representatives;

Three copies to each of the Secretaries, Reporters, Sergeant-at-Arms and Chaplain of this Convention;

One copy to each State Officer, Supreme and District Judge, and District Prosecuting Attorney;

The remainder of the two thousand copies shall be placed in the possession of the State, and be disposed of as may be designated by law.

All of which is respectfully submitted.

S. G. WINCHESTER,  
*Chairman Committee.*

The report having been read, and received by the Convention,

Mr. Clarke, of Johnson, moved that said resolutions be laid on the table;

Mr. Young moved that that portion of the second resolution relative to the printing of five hundred additional copies, be stricken out;

Mr. Clarke, of Johnson, moved that the resolutions be laid on the

table, subject to the order of the Convention, with instructions to the Committee that they correspond with the publishers respecting the cost of furnishing the additional number of copies specified;

Which motion was agreed to.

The consideration of the Report of the Committee on Education and School Lands having been resumed,

Mr. Todhunter moved that said Report, with the amendments made thereto, be referred to a Special Committee of five;

Mr. Harris moved that the same be referred back to the Standing Committee on that subject;

Which motion was agreed to.

Mr. Gillaspy offered the following:

*Resolved*, That the Committee on Education and School Lands be instructed to inquire into the propriety of adopting Article 9, of the present Constitution, so modified as to provide for a Board of Education, instead of a Superintendent of Public Instruction, whose term of office, compensation and powers shall be prescribed by law; and, to make the State University a single institution;

Which resolution was adopted.

Mr. Clarke, of Johnson, offered the following:

*Resolved*, That the Committee on Education and School Lands be instructed to consider the expediency of providing for the election or appointment of the Board of Education, according to population, and fixing the number of said Board, with power in the General Assembly to provide for the increase of said Board on the same basis;

Which resolution was adopted.

Mr. Patterson moved that the Committee on Education and School Lands be instructed to report on Monday next, at the morning session

Which motion was agreed to.

Mr. Clarke, of Henry, offered the following:

*Resolved*, That the Committee on Education and School Lands be instructed to inquire into the propriety of incorporating in the Article under their charge, the following section:

SEC.—The General Assembly shall provide by law for the election of a Board of Education, one member of which shall be elected from each Judicial District, and shall be *ex-officio* Trustee of the State University. They shall have control of the educational interests of the State, and shall have power to appoint a Secretary of the Board,

who shall be the Executive officer and perform such duties as may be imposed upon him by said Board or the laws of the State. And the other powers and duties of said Board and Trustees shall be such as shall be prescribed by law ;

Which resolution was adopted.

Mr. Wilson moved that two additional members to the Standing Committee on Education and School Lands, be appointed ;

Which motion was agreed to, and Messrs. Todhunter and Gillaspv were named by the President.

Mr. Winchester offered the following :

*Resolved*, That the Committee on Education and School Lands be instructed to inquire into the expediency of providing for an officer in each county, whose duty in part it shall be to examine all teachers and give certificates of qualification ;

Which resolution was adopted.

Mr. Solomon offered the following :

*Resolved*, That the Committee on Education and School Lands be instructed to report in favor of the gradual collection of the School Fund of this State and of loaning the same at a given rate of interest for a series of years to the State of Iowa, for the purpose of erection of Public Buildings and for no other purpose ;

Which resolution was adopted.

On motion,

The Convention then resolved itself into Committee of the Whole, Mr. Winchester in the Chair, upon the consideration of the Report of the Committee on Right of Suffrage; and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole reported that progress had been made in the consideration of the subject before them, and the Committee asked and obtained leave to sit again.

On motion of Mr. Todhunter,

The Convention then adjourned.

## SATURDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Convention resolved itself into Committee of the Whole, Mr. Winchester in the Chair, upon the consideration of the Report of the Committee on Right of Suffrage; and, after a short time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole stated that they had concluded the consideration of the subject before them, and reported the same back to the Convention with an amendment;

Which report was received and the Committee were discharged.

The Convention then proceeded to the consideration of the Report of the Committee on Right of Suffrage, as amended in Committee of the Whole:

The First Section of said Report being under consideration, as follows:

SEC. 1. "Every white male citizen of the United States of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county in which he claims his vote twenty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law;" and,

The question being upon agreeing to the amendment made in Committee of the Whole to said section by adding thereto as follows: "and the General Assembly shall provide for registering the legal voters of this State;"

The yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Gower,  
Gray,

Messrs. Marvin,  
Scott,  
Seely,  
Todhunter,  
Young—10.

## NAYS.

Messrs. Ayers,  
 Clark, of Alamakee,  
 Day,  
 Edwards,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Hall,  
 Harris,  
 Hollingsworth,

Messrs. Johnston,  
 Palmer,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Solomon,  
 Wilson,  
 Winchester,  
 Springer, (P.) 20.

There being no further amendments made in Committee of the Whole to said report,

Mr. Clarke, of Johnson, moved to amend the First Section of the same by striking out the words "six months" and inserting the words "one year ;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Johnson,  
 Gower,  
 Scott—5.

Messrs. Gray,  
 Hollingsworth,

## NAYS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Clark, of Alamakee,  
 Day,  
 Edwards,  
 Ells,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Hall,  
 Harris,  
 Johnston,

Messrs. Marvin,  
 Palmer,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Seely,  
 Solomon,  
 Todhunter,  
 Wilson,  
 Winchester,  
 Young,

Springer, (Prest.,) —25.

Mr. Clarke, of Johnson, moved to amend the First Section of said Report by striking out the words "twenty days" and inserting the words "three months ;"

Upon this question the yeas and nays were demanded, and

A call of the House having been ordered, the following gentlemen answered to their names :

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Marvin,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Todhunter,  
Traer,  
Wilson,  
Winchester,  
Young,  
Springer, (P.) 32.

On motion of Mr. Todhunter, Mr. Parvin was excused.

Mr. Gibson then moved that further proceedings under the call be dispensed with ;

Which motion was agreed to.

The question was then taken by yeas and nays on the motion of Mr. Clarke, of Johnson, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,  
Gower,  
Gray,  
Hollingsworth,

Messrs. Marvin,  
Scott,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.)—15.

#### NAYS.

Messrs. Ayers,  
Day,  
Ells,  
Emerson,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,

Messrs. Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Price,  
Robinson,  
Seely,  
Solomon,

Todhunter—17.

Mr. Clarke, of Henry, moved to amend the First Section of said Report by striking out the word "twenty," near the latter part thereof, and inserting the word "sixty ;"

Upon this question the yeas and nays were demanded and it was decided in the affirmative, as follows :

YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Scott,  
Seely,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, [P] 18.

NAYS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon—14.

Mr. Harris then moved that said Report, as amended, be ordered to have a third reading, and that the same be referred to the Committee on Revision, Engrossment and Enrollment ;

Which motion was agreed to.

On motion of Mr. Clarke, of Johnson,

The Convention adjourned until Monday next at nine o'clock.

MONDAY MORNING, MARCH 2, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of Saturday's proceedings was read and approved.

Mr. Marvin, from the Committee on Education and School Lands, made the following

### REPORT.

The Committee on Education and School Lands beg leave to make the following report :

#### EDUCATION AND SCHOOLS.

##### ARTICLE —.

SECTION 1. The educational interest of the State, to include Common Schools and other educational institutions, shall be under the management of a Board of Education, which shall consist of the Lieutenant Governor, who shall be the presiding officer of the Board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the State.

SEC. 2. No person shall be eligible as a member of said Board who shall not have attained the age of twenty-five years, and been one year a citizen of the State.

SEC. 3. One member of said Board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this Constitution, the Board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years ; and one-half of the Board shall be chosen every two years thereafter.

SEC. 4. The first session of the Board of Education shall be held at the Seat of Government, on the first Monday of December, after their election ; after which the Board may fix the time and place of meeting. No regular session of the Board shall be held during the time the General Assembly may be in session.

SEC. 5. The session of the Board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the recommendation of two-thirds of the Board, the Governor may order a special session.

SEC. 6. The Board of Education shall appoint a Secretary, who shall be the executive officer of the Board, and perform such duties as may be imposed upon him by the Board, and the laws of the State. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the General Assembly.

SEC. 7. All rules and regulations made by the Board shall be published and distributed to the several counties, townships, and school districts, as may be provided for by the Board, and when so passed, published, and distributed, they shall have the force and effect of law.

SEC. 8. The Board of Education shall have full power and authority to legislate and make all needful rules and regulations in relation to Common Schools, and other institutions of learning, that are instituted, to receive aid from the School or University fund of this State; *Provided*, that all acts, rules, and regulations of said Board may be altered, amended, or repealed by the General Assembly; and when so altered, amended, or repealed, they shall not be re-enacted by the Board of Education.

SEC. 9. The Governor of the State shall be, *ex-officio*, a member of said Board.

SEC. 10. The Board shall not have power to levy taxes, or make appropriations of money. The contingent expenses shall be provided for by the General Assembly.

SEC. 11. The State University shall consist of a single institution, and the University fund shall be applied to that institution, and no other.

SEC. 12. The Board of Education shall provide for the education of all the youths of the State, through a system of schools. A school shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school, may be deprived of their portion of the school fund.

SEC. 13. The Board of Education shall each receive the same per diem and mileage, during the time of their session, as members of the General Assembly; and for other services, such compensation as shall be provided for by the General Assembly.

SEC. 14. A majority of the Board shall constitute a quorum for

the transaction of business; *Provided*, no rule, regulation, or law, for the regulation and government of the school or educational system shall pass without the concurrence of a majority of all the members of the Board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the Board shall be, "Be it enacted by the Board of Education of the State of Iowa."

SEC. 15. At any time after the year 1865, the General Assembly, two-thirds of each branch concurring, shall have power to supercede or re-organize said Board of Education, and provide for the educational interest of the State in any other manner that to them shall seem best and proper.

## SCHOOL FUNDS AND SCHOOL LANDS.

### ARTICLE —.

SECTION 1. The educational and school funds and lands, shall be under the control and management of the General Assembly of this State.

SEC. 2. The University lands, and the proceeds thereof, and all monies belonging to said fund, shall be a permanent fund for the sole use of the State University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.

SEC. 3. The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved A. D. 1841, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress, on the sale of lands in this State, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 4. The money which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid, or fine collected, among the several school districts of said counties, in proportion to the number of youths subject to enumeration in such districts, to the support of common schools, or the establishment of libraries, as the Board of Education shall, from time to time provide.

SEC. 5. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved, or granted by the United States, or any person or persons, to this State, for the use of a University, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said University, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the General Assembly as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

SEC. 6. The financial agents of the school funds shall be the same that by law receive and control the State and county revenue, for other civil purposes, under such regulations as may be provided by law.

SEC. 7. The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of youths, between the ages of five and twenty-one years, in such manner as may be provided by the General Assembly.

Respectfully submitted,

A. H. MARVIN, *Chairman.*  
J. C. HALL,  
LEWIS TODHUNTER,  
GEORGE W. ELLS,  
A. HARRIS, (as a compromise,)  
JOHN EDWARDS,  
GEORGE GILLASPY.

Which was read, ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Hall, from the same committee, made the following Minority

### REPORT.

The undersigned, from the Committee on Education and School Lands, beg leave to make the following Report :

The attention of the Committee has been particularly called, by the action of the Convention, to the subject of the School Funds as now vested, and to a suggestion that the present mode of investing the monies belonging to the School and University Funds be abandoned, and some more permanent and secure mode substituted.

This question has been discussed by the Committee, but a majority

have not been able to agree upon another plan or mode of disposing of said funds.

It is conceded that the present manner of loaning the money is unsafe and insecure, and that some change is demanded; but the majority adhere to the character of the investments as now adopted, and look for a reform in the manner or system of loaning the funds. They seek safety by acting upon the agents of the funds who are authorized to make the loans.

In the opinion of the undersigned, the present system is radically defective, and cannot be followed without great hazard of loss of the principal—irregularity and confusion in collecting and disbursing the interest, to the schools. The defect is radical, and in the system itself; and cannot be obviated by action upon the public agents.

Under the present system, the fund has, and will have, its thousands of borrowers, scattered throughout every county of the State. The public agents who control the funds can be numbered by hundreds.—It would be a *miracle*, indeed, if all these borrowers and agents should prove punctual and honest—should be vigilant, competent and prompt! No one is so visionary as to believe that such a system can be carried on without some irregularities, failures and losses; yet the inconvenience of a change outweighs these considerations.

The undersigned is fully convinced that, under the present system, the School Fund has already lost, beyond recovery, more than fifty thousand dollars; that losses will continue from year to year; that they are inevitable; and that the permanent School Fund will, in this manner, be subjected to a perpetual drain. Did these annual, or rather periodical losses, occur in a single case, it would startle the public mind; but they occur in comparatively small loans—are not manifest at once—their existence is known only to a particular locality—the law promises a tardy collection—the memory of the loss and the lawsuit pass into oblivion together—and the School Fund suffers the loss without exciting public attention.

A spirit of selfishness in the public agents and borrowers will always make them active in retaining the present system. They have an interest, and will work;—they have influence, and can pacify investigation. Its guardians being, to some extent, culpable for the losses, will become apologists and defenders of defaulters and speculation.

It must be remembered that this fund cannot be guarded and protected with shrewd and watchful anxiety of self-interest. A loss cannot excite the same exertion or mortification of a loss to an individual.—The public never act with the energy and promptness of the private citizen; nor can they ever be made conscious of such a loss to half the extent that they would if it fell upon the individual citizen.

Under these circumstances, the undersigned most earnestly insist that the School Funds of this State should be collected together and permanently invested in a secure manner; that the investment should be made so that the principal can never be lost or squandered, and the interest will be promptly and certainly paid when due. This can be done by investing the money in *selected* State or United States securities or bonds. This mode is objected to by some on the ground that these securities will only bring six per cent. interest, whilst the money can be loaned at ten per cent. interest to citizens of the State upon real estate security. This may be true; but experience proves that the expense of loaning, looking after the funds, collecting, distributing, and disbursing the ten per cent., reduces this seeming large per cent. to perhaps less than six per cent., and a want of promptness in the collection and disbursement, creates continual disappointments, delays, and troubles with the schools who depend upon the funds to pay the teachers.

Whilst the one system insures promptness, certainty, and security, the other promises nothing but insecurity, tardiness, delays, and disappointments, the undersigned most respectfully suggest that the limitation of State indebtedness prohibits the State from becoming indebted to this fund more than two hundred and fifty thousand dollars. But would it not be wise to modify that clause by allowing the State to borrow a sufficient amount of the School Fund to erect the charitable institutions of this State? The necessity of such institutions is conceded. Common humanity requires the earnest and speedy action of the State in providing for the insane, the blind, the deaf and dumb, &c. These institutions belong to our social system, and will last as long as humanity and civilization exist. The expenditures should be commensurate with the cause and the object. These institutions will pass down to posterity, and continue to ameliorate and bless the poor unfortunate for thousands of years. It will be the pride and glory of this age to commence and lay the foundation of this great system of governmental charity and benevolence. To do this, we must resort to direct taxation. The assessor, the tax gatherer, and local and State treasurer, and disbursing agents, are all to be hired and paid. Not more than eighty cents of every dollar paid by the people will find a place in the walls of these institutions. The money thus collected is worth ten per cent. to the people, where the tax is levied. We have the School Fund seeking a safe investment. Why not discharge the tax gatherer, and the score of agents? Let the people keep their money, and pay the interest on the money borrowed from the School Fund. This system will equalize the burden of erecting these institutions, by throwing a portion of the burthen upon those who come after us, and cheapen the system to all.

The undersigned, therefore, most respectfully, but earnestly, recom-

mend to the Convention the adoption of the following sections, to be attached to the schedule, or the article, "SCHOOL FUNDS AND SCHOOL LANDS:"

SEC. —. For the purpose of establishing and erecting charitable institutions in this State, the General Assembly may provide by law for borrowing from the School and University Funds such sum or sums that they may deem necessary for such purposes, for which they shall pay to the School Fund, interest at not less than six per cent. per annum.

SEC. —. That the School and University Funds that exists in choses in action, or that have been loaned out by any officer of this State, shall, when the same becomes due, be collected and paid into the Treasury of the State, and the General Assembly shall provide for the permanent investment of said fund, or so much thereof as is not required by the State to establish charitable institutions, in United States or selected interest-paying State securities, bearing not less than six per cent interest; and that no more of the School or University funds shall be loaned to individuals.

J. C. HALL,  
GEORGE W. ELLS.

Which was read, ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

Mr. Harris offered the following :

*Resolved*, That the Committee on Schedule be instructed to divide the State into Judicial Districts ;

Mr. Wilson moved to amend said resolution so as "to inquire into the expediency of dividing the State into Judicial Districts ;"

Upon the question of agreeing to the amendment the yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Day,  
Ells,  
Gray,  
Hollingsworth,

Messrs. Marvin,  
Scott,  
Seely,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Young,

Springer, (Prest.) 17.

## NAYS.

Messrs. Clark, of Alamakee,  
 Edwards,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Hall,  
 Harris,

Messrs. Johnston,  
 Palmer,  
 Patterson,  
 Peters,  
 Price,  
 Skiff,  
 Solomon—14.

The resolution of Mr. Harris, as amended, was then adopted.

Mr. Palmer offered the following as an additional Article to be incorporated in the Constitution :

## ARTICLE —.

## OF THE SEAT OF GOVERNMENT AND THE STATE UNIVERSITY.

SECTION 1. The Seat of Government is hereby permanently established as now fixed by law, at the City of Des Moines, in the County of Polk ; and the State University at Iowa City, in the County of Johnson ;

Which, having been read, the same was ordered to have a second reading.

Mr. Clarke, of Johnson, offered the following :

*Resolved*, That for preparing the enrolled copy of the Journal of this Convention, and the Constitution, ordered to be deposited in the State Department, the Secretary of this Convention be paid the sum of \_\_\_\_\_ Dollars ;

Mr. Clarke, of Johnson, moved that the blank in said resolution be filled with the words “two hundred ;”

Which motion was agreed to, and, the resolution, as amended, was then adopted.

Mr. Clarke, of Johnson, moved that the Convention resolve itself into Committee of the Whole, upon the consideration of the Report of the Special Committee on the Right of Suffrage ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,

Messrs. Hollingsworth,  
 Marvin,  
 Scott,

Messrs. Edwards,  
Ells,  
Gower,  
Gray,

Messrs. Seely,  
Skiff,  
Wilson,  
Young,

Springer, (Prest.,) 15.

# NAYS.

Messrs. Ayers,  
Clark, of Alamahee,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Solomon,  
Todhunter,  
Traer,

Warren—17.

Mr. Clark, of Alamahee, moved to reconsider the vote by which the motion to go into Committee of the Whole was disagreed to ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

# YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,

Messrs. Gray,  
Hollingsworth,  
Scott,  
Skiff,  
Todhunter,  
Wilson,  
Springer, (P.) 14.

# NAYS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,

Messrs. Marvin,  
Palmer,  
Patterson,  
Peters,  
Price,  
Seely,  
Solomon,  
Warren—16.

Mr. Clarke, of Johnson, moved that the Convention do now adjourn ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Gower,  
Gray,

Messrs. Hollingsworth,  
Scott,  
Skiff,  
Todhunter,  
Warren,  
Wilson,

Young—13.

## NAYS.

Messrs. Ayers,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Marvin,  
Palmer,  
Patterson,  
Peters,  
Price,  
Seely,  
Solomon,  
Springer, (P.) 18.

A call of the House having been ordered, the following gentlemen answered to their names :

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,

Messrs. Hollingsworth,  
Johnston,  
Marvin,  
Palmer,  
Patterson,  
Peters,  
Price,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Wilson,  
Young,

Springer, (Prest.) 31.

On motion, Mr. Robinson was excused.

Pending the call of the House,

Mr. Young moved that the Convention do now adjourn ;

Upon this question, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Bunker,  
 Clarke, of Henry,  
 Clarke, of Johnson,  
 Clark, of Alamakee,  
 Edwards,  
 Ells,  
 Gower,  
 Gray,  
 Hollingsworth,  
 Springer, (Prest.,)—19.

Messrs. Marvin,  
 Scott,  
 Seely,  
 Skiff,  
 Todhunter,  
 Traer,  
 Warren,  
 Wilson,  
 Young,

## NAYS.

Messrs. Ayers,  
 Day,  
 Emerson,  
 Gibson,  
 Gillaspy,  
 Hall,

Messrs. Harris,  
 Johnston,  
 Palmer,  
 Patterson,  
 Peters,  
 Price,

Solomon—13.

So the Convention adjourned until two o'clock this afternoon.

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 MONDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

Mr. Marvin moved that all further proceedings under the call of the House, pending at the time of adjournment this morning, be dispensed with ;

Which motion was not agreed to.

Mr. Harris moved a reconsideration of the vote just taken ;

Which motion was disagreed to.

Mr. Gillaspy moved that the Convention take a recess for twenty minutes ;

Which motion was not agreed to.

The Sergeant-at-Arms having made his report respecting the absentees,

Mr. Skiff moved that all further proceedings under the call be dispensed with;

Which motion was agreed to.

The question now being upon agreeing to the resolution recommended by the Special Committee on the Right of Suffrage, in their Report,

The Previous question was demanded, and,

Upon the question,

Shall the main question now be put?

The yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Seely,  
Solomon—14.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamaake,  
Edwards,  
Ells,  
Gower,  
Gray,

Messrs. Hollingsworth,  
Marvin,  
Scott,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,

Springer, (Prest.) 17.

Mr. Skiff moved that the Convention go into Committee of the Whole, upon the consideration of the Report of the Special Committee on Right of Suffrage;

Upon this question, the yeas and nays were demanded, and, it was decided in the affirmative, as follows:

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,

Messrs. Hollingsworth,  
Marvin,

Messrs. Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gower,  
Gray,

Springer, (Prest.,)—17.

Messrs. Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Wilson,

#### NAYS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Solomon,  
Warren—14.

The Convention then resolved itself into Committee of the Whole, Mr. Clark, of Alamakee, in the Chair, upon the consideration of the Report of the Special Committee on Right of Suffrage; and, after some time spent therein, the Committee rose.

The Convention having again come to order,

The Chairman of the Committee of the Whole stated that they had concluded the consideration of the subject before them, and reported back to the Convention the resolution recommended by the Special Committee, with amendments;

Which report was received, and the Committee were discharged.

Said resolution was then taken up for consideration, as follows:

*Resolved*, That at the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same, by striking out the word "white," wherever it occurs in said Constitution, shall be separately submitted to the electors of this State for their adoption or rejection, in manner following, *viz*:

A separate ballot may be given by every person having the right to vote at said election, to be deposited in a separate box; and those given for the adoption of such proposition, shall have the words, "Shall the word 'white' be stricken out of the Constitution where it occurs? Yes!"

And those given against the proposition shall have the words, "Shall the word 'white' be stricken out of the Constitution? No!"

And if at said election, a majority of all the ballots cast for and against said proposition shall have the words, "Shall the word 'white'

be stricken out of the Constitution wherever it occurs? Yes?" then the word "white" shall be so stricken out, and shall not be any part of said Constitution; and,

The question being upon agreeing to the amendment made in Committee of the Whole to said resolution, by restricting the striking out of the word 'white' to the First Section of the Article on Right of Suffrage, and by so changing the resolution in its various parts as to correspond therewith,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,  
Marvin,  
Palmer,

Messrs. Parvin,  
Patterson,  
Peters,  
Price,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Young,

Springer, [Prest.,] 27.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,

Messrs. Day,  
Ells,  
Emerson—6.

Upon the question of agreeing to the amendment made in Committee of the Whole to said resolution, to strike out in the last clause thereof, near the beginning, the words "said proposition," and insert the words "this Constitution," causing said clause to read as follows :

"And if at said election, a majority of all the ballots cast for and against this Constitution shall have the words, &c ;"

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,

Messrs. Johnston,  
Palmer,

Messrs. Clarke, of Johnson,  
Day,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Patterson,  
Peters,  
Price,  
Seely,  
Skiff,  
Solomon,  
Warren,  
Wilson,  
Young,

Springer, (Prest.,)—23.

NAYS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Edwards,  
Emerson,  
Gray,

Messrs. Marvin,  
Parvin,  
Scott,  
Todhunter,  
Traer—10.

Mr. Harris offered the following Substitute for the resolution, as amended :

#### ARTICLE —.

#### NEGROES AND MULATTOES.

SECTION 1. No negro or mulatto shall come into the State after the adoption of this Constitution.

SEC. 2. All contracts made with any negro or mulatto coming into the State contrary to the provisions of the foregoing section, shall be void, and any person who shall employ such negro or mulatto or otherwise encourage him to remain in the State, shall be fined in a sum not less than two nor more than five hundred dollars.

SEC. 3. All fines that may be collected for a violation of the provisions of this Article, or of any law which may hereafter be passed, for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes and their descendants, as may be in the State at the adoption of this Constitution.

SEC. 4. The General Assembly shall pass laws to carry out the provisions of this Article, and to make provisions for the colonization of the negroes and mulattoes and their descendants, who shall at the time of the adoption of this Constitution have a legal residence in the State.

Which, having been read,

Mr. Hall moved that the same be laid on the table ;

Upon this question the yeas and nays were demanded and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Day,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hall,  
Hollingsworth,

Messrs. Johnston,  
Marvin,  
Parvin,  
Price,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Young,

Springer, [Prest.,] 23.

## NAYS.

Messrs. Emerson,  
Gibson,  
Gillaspy,  
Harris,

Messrs. Palmer,  
Patterson,  
Peters,  
Solomon—8.

Mr. Todhunter moved that the Convention adjourn until nine o'clock to-morrow morning ;

Which motion was not agreed to.

Mr. Marvin moved that the Convention adjourn until seven o'clock this evening;

Which motion was not agreed to.

On motion of Mr. Parvin,

The Convention then adjourned until quarter past nine o'clock to-morrow morning.

TUESDAY MORNING, MARCH 3, 1857.

At nine and a quarter o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by Rev. C. B. Smith.

The Journal of yesterday's proceedings was read and approved.

Mr. Wilson, from the Committee on Schedule, made the following

### REPORT.

The Standing Committee on Schedule beg leave to submit the following report and recommend its adoption by the Convention :

#### ARTICLE XII.

##### SCHEDULE.

SECTION 1. This Constitution shall be the supreme law of the State, and any law inconsistent therewith, shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.

SEC. 2. All laws now in force and not inconsistent with the Constitution, shall remain in force until they shall expire or be repealed.

SEC. 3. All indictments, prosecutions, suits, pleas, complaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution ; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several courts, in the same manner as now provided by law.

SEC. 4. All fines, penalties, or forfeitures due, or to become due, or accruing to the State, or to any county therein, or to the school fund, shall inure to the State, county, or school fund, in the manner prescribed by law.

SEC. 5. All bonds executed to the State, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

SEC. 6. The first election under this Constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty-seven, at which time the electors of the State shall elect the Governor and Lieutenant-Governor. There shall also be elected at such

election, the successors of such State Senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the House of Representatives, who shall be elected in accordance with the act of apportionment, enacted by the seventh General Assembly of the State.

SEC. 7. The first election for Secretary, Auditor, and Treasurer of State, Attorney General, District Judges, District Attorneys, members of Congress and such State officers as shall be elected at the April election, in the year one thousand eight hundred and fifty-seven, except the Superintendent of Public Instruction, and such county officers as were elected at the August election, in the year one thousand eight hundred and fifty-six, except Prosecuting Attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight.

SEC. 8. The first election for Judges of the Supreme Court, and such county officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year one thousand eight hundred and fifty-nine.

SEC. 9. The first regular session of the General Assembly shall be held in the year one thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

SEC. 10. Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty-nine, at which time their successors shall be elected as may be prescribed by law.

SEC. 11. Every person elected by popular vote, by vote of the General Assembly, or who may hold office by executive appointment, which office is continued by this Constitution, and every person who shall be so elected or appointed, to any such office, before the taking effect of this Constitution, (except as in this Constitution otherwise provided,) shall continue in office until the term for which such person has been or may be elected or appointed shall expire: *Provided*, That no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office, in this Constitution prescribed.

SEC. 12. On the taking effect of this Constitution, all officers thereby continued in office, shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this Constitution.

SEC. 13. The General Assembly, at the first session under this Constitution, shall district the State into eleven Judicial Districts, for District Court purposes; and shall also provide for the apportionment of

the members of the House of Representatives, in accordance with the provisions of this Constitution.

SEC. 14. The foregoing Constitution shall be submitted to the electors of the State at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this State. The ballots at such election shall be written or printed as follows: Those in favor of the Constitution, "New Constitution—Yes." Those against the Constitution, "New Constitution—No." The election shall be conducted in the same manner as the general election of the State, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for the canvass of State officers. And if it shall appear that a majority of all the votes cast at such election for and against this Constitution are in favor of the same, the Governor shall immediately issue his proclamation stating that fact, and such Constitution shall be the Constitution of the State of Iowa, and shall take effect from and after the publication of said proclamation.

Respectfully submitted.

LEWIS TODHUNTER,  
JAMES F. WILSON,  
H. W. GRAY.

The undersigned concurs in the foregoing with the exception that he favors the election of Supreme Court Judges at the election in October, 1857.

H. J. SKIFF.

Which was read, ordered to lie on the table, and that one hundred copies thereof be printed for the use of the Convention.

The Convention then resumed the consideration of the subject before them yesterday afternoon at the time of adjournment; and,

The question being upon agreeing to the resolution reported by the Committee of the Whole, as amended,

The yeas and nays were demanded, and it was decided in the affirmative, as follows:

YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,

Messrs. Marvin,  
Parvin,  
Scott,  
Seely,  
Skiff,  
Todhunter,

Messrs. Gower,  
Gray,  
Hollingsworth,  
Springer, (Prest.),—19.

Messrs. Traer,  
Wilson,  
Young,

# NAYS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,

Messrs. Harris,  
Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,

Solomon—13.

Said resolution was then ordered to have a third reading, and was referred to the Committee on Revision, Engrossment and Enrollment.

Mr. Clarke, of Johnson, moved to take up the resolutions which were laid on the table on Saturday last, relative to the distribution of the copies of the Debates, &c.,

Which motion was agreed to.

The motion of Mr. Young, then pending, that that portion of the second resolution relative to the printing of five hundred additional copies be stricken out,

Was then agreed to.

Mr. Palmer moved that said resolution be so amended that one hundred and seventy-five additional copies be printed, in lieu of five hundred ;

Which motion was disagreed to.

Mr. Skiff moved that said resolution be so amended that the Secretaries, Reporters, Sergeant-at-Arms and Chaplain each have five copies instead of three ;

Which motion was agreed to.

Mr. Skiff moved that the Messengers and other officers of the Convention not provided for otherwise, each have one copy ;

Which motion was agreed to.

Mr. Traer moved that that portion of said resolution relative to supplying members of the General Assembly be stricken out ;

Which motion was agreed to.

Mr. Traer moved to strike out that portion relative to the distribution to counties ;

Which motion was agreed to.

On motion of Mr. Clark, of Alamakee, the vote last taken was reconsidered ; and

A motion that two copies instead of five be distributed to each county,

Was then agreed to.

Mr. Clarke, of Johnson, moved to strike out that part of said resolution relative to supplying District Prosecuting Attorneys ;

Which motion was agreed to.

Mr. Todhunter moved to amend the first resolution so as to increase the allowance to the Reporter from one hundred and twenty dollars to two hundred dollars ;

Which motion was agreed to.

Mr. Clarke, of Johnson, offered the following, as an additional resolution :

*Resolved*, That it be made the duty of the Secretary of State to distribute the Debates of this Convention, as provided for in the foregoing resolution ; and that he be paid for such distribution the sum of \_\_\_\_\_ dollars :

Mr. Clarke, of Johnson, moved to fill the blank with the words "five hundred ;"

On motion, the resolutions as amended, together with the resolution of Mr. Clarke, of Johnson, were referred back to the Select Committee.

The Convention then proceeded to the consideration of the additional Article to the Constitution, offered by Mr. Palmer, and read yesterday for the first time, as follows :

#### ARTICLE —.

##### OF THE SEAT OF GOVERNMENT AND THE STATE UNIVERSITY.

SECTION 1. The Seat of Government is hereby permanently established as now fixed by law, at the City of Des Moines, in the County of Polk ; and the State University at Iowa City, in the County of Johnson ;

The same being upon its second reading,

Mr. Clarke, of Johnson, offered the following as a Substitute :

"That the question of locating the Seat of Government at Des Moines City, and the State University at Iowa City, be submitted to the people as a separate proposition, at the same time that a vote is taken

on the adoption of the Constitution; and that, if a majority of the votes cast at such election shall vote in favor of such proposition the said institutions shall be so located.

Mr. Skiff moved the Previous Question;

Pending which motion,

Mr. Marvin moved that the Convention do now adjourn;

Which motion was agreed to, and

The Convention then adjourned until two o'clock this afternoon.

## TUESDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

The Convention then proceeded to the consideration of the subject before them this morning, at the time of adjournment:

On motion of Mr. Clarke, of Johnson,

A call of the House was ordered, and the following gentlemen answered to their names:

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Young,  
Springer, (P.,) 34.

Mr. Parvin moved that further proceedings under the call be dispensed with ;

Which motion was agreed to.

Upon the question pending this morning.

Shall the main question now be put ?

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Day,  
Edwards,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Seely,  
Skiff,  
Solomon,

Todhunter—19.

#### NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Ells,  
Emerson,  
Gower,  
Gray,

Messrs. Marvin,  
Peters,  
Scott,  
Traer,  
Warren,  
Wilson,  
Young,

Springer, (Prest.,)—15.

The question now being upon agreeing to the Substitute offered by Mr. Clarke, of Johnson, for the Article proposed by Mr. Palmer,

The yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Ells,  
Emerson,

Messrs. Gower,  
Gray,  
Scott,  
Traer,  
Warren,

Springer, [Prest.,] 11.

## NAYS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Day,  
 Edwards,  
 Gibson,  
 Gillaspy,  
 Hall,  
 Harris,  
 Hollingsworth,  
 Johnston,  
 Marvin,

Messrs. Palmer,  
 Parvin,  
 Patterson,  
 Peters,  
 Price,  
 Robinson,  
 Seely,  
 Skiff,  
 Solomon,  
 Todhunter,  
 Wilson,

Young—23.

The question now recurring upon agreeing to the proposed Article offered by Mr. Palmer,

The yeas and nays were demanded, and it was decided in the affirmative; as follows:

## YEAS.

Messrs. Ayers,  
 Clarke, of Henry,  
 Day,  
 Edwards,  
 Gibson,  
 Gillaspy,  
 Hall,  
 Harris,  
 Hollingsworth,  
 Johnston,

Messrs. Palmer,  
 Patterson,  
 Price,  
 Robinson,  
 Seely,  
 Skiff,  
 Solomon,  
 Todhunter,  
 Warren,  
 Springer, (P.) 20.

## NAYS.

Messrs. Bunker,  
 Clarke, of Johnson,  
 Clark, of Alamakee,  
 Ells,  
 Emerson,  
 Gower,  
 Gray,

Messrs. Marvin,  
 Parvin,  
 Peters,  
 Scott,  
 Traer,  
 Wilson,  
 Winchester,

Young—15.

The same was then ordered to have a third reading, and was referred to the Committee on Revision, Engrossment and Enrollment.

The Report of the Committee on Education and School Lands was

then taken up; and, the First Article of the same being under consideration on its second reading,

Mr. Wilson offered the following as a Substitute therefor:

# ARTICLE —.

## EDUCATION AND SCHOOL LANDS.

SECTION 1. The General Assembly shall provide for the election or appointment of a Board of Education, to be composed of twelve persons, who shall be the Trustees of the University, and shall have the general charge and control of education in the State. They shall have power to appoint a Secretary of the Board, who shall be their executive agent, and perform such duties as may be imposed upon him by the Board of Education or the laws of the State.

SEC. 2. Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvements, and to provide by law for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved A. D. 1841, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress, on the sale of lands in this State, shall be, and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 3. The money which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid, or fine collected, among the several school districts of said counties, in the proportion to the number of inhabitants in such districts, to the support of common schools, or the establishment of libraries, as the General Assembly shall, from time to time, provide by law.

SEC. 4. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved, or granted by the United States, or any

person or persons, to this State, for the use of a University, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the General Assembly as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

Upon the question of agreeing to said Substitute, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Gower,  
Gray,

Messrs. Scott,  
Traer,  
Wilson,  
Winchester,  
Young,  
Springer, (P.) 12.

## NAYS.

Messrs. Ayers,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,  
Marvin,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Seely,  
Skiff,  
Solomon,  
Todhunter,

Warren—21.

The Second Section of said Article being under consideration, as follows :

SEC. 2. No person shall be eligible as a member of said Board who shall not have attained the age of twenty-five years, and been one year a citizen of the State.

Mr. Traer moved to amend the same by striking out the words "twenty-five" and inserting the words "twenty-one;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Peters,  
Scott,

Messrs. Seely,  
Solomon,  
Traer,  
Wilson—8.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Skiff,  
Todhunter,  
Warren,  
Winchester,  
Young,  
Springer, (P.) 24.

The Seventh Section of said Article being under consideration, as follows :

SEC. 7. All rules and regulations made by the Board shall be published and distributed to the several counties, townships, and school districts, as may be provided for by the Board, and when so passed, published, and distributed, they shall have the force and effect of law.

Mr. Scott moved to amend the same by striking out of said section the words, "as may be provided for by the Board" near the middle thereof ;

Which motion was not agreed to.

Mr. Clarke, of Henry offered the following Substitute for the Sections of said Article from Five to Ten, inclusive of both :

SEC. —. The powers, duties and compensation of the Board shall be such as shall be prescribed by law ;

The Previous question having been demanded,

Upon the question,

Shall the main question now be put ?

The yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Day,

Messrs. Patterson,  
Price,

Messrs. Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,  
Palmer, .

Messrs. Robinson,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Winchester—16.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Emerson,  
Gower,  
Gray,  
Hollingsworth,

Messrs. Marvin,  
Parvin,  
Peters,  
Scott,  
Seely,  
Traer,  
Wilson,  
Young,  
Springer, (P.) 18.

Upon the question of agreeing to the Substitute offered by Mr. Clarke, of Henry,

The yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Gray,

Messrs. Hollingsworth,  
Parvin,  
Traer,  
Wilson,  
Winchester,

Young—11.

## NAYS.

Messrs. Ayers,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,  
Johnston,

Messrs. Marvin,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,

Warren—23.

The Ninth Section of said Article being under consideration, as follows :

SEC. 9. The Governor of the State shall be, *ex-officio*, a member of said Board.

Mr. Clarke, of Johnson, moved to strike out said section ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,	Messrs. Parvin,
Clarke, of Henry,	Skiff,
Clarke, of Johnson,	Traer,
Clark, of Alamakee,	Warren,
Gray,	Wilson,
Hollingsworth,	Young,
Springer, (Prest.,) 13.	

## NAYS.

Messrs. Ayers,	Messrs. Marvin,
Day,	Palmer,
Edwards,	Patterson,
Ells,	Peters,
Emerson,	Price,
Gibson,	Robinson,
Gillaspy,	Scott,
Gower,	Seely,
Hall,	Solomon,
Harris,	Todhunter,
Johnston,	Winchester—22.

The Tenth Section of said Article being under consideration, as follows :

SEC. 10. The Board shall not have power to levy taxes, or make appropriations of money. The contingent expenses shall be provided for by the General Assembly.

Mr. Clarke, of Henry, moved to amend said section by striking out the words "The contingent" and inserting the word "All;" also by adding at the end of said section the words "but no part of the costs or expenses of said Board shall be charged to the School Fund;"

Upon the question of agreeing to the same, the yeas and nays were demanded, and, it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Ells,  
Gibson,  
Gray,  
Harris,

Messrs. Hollingsworth,  
Palmer,  
Parvin,  
Scott,  
Seely,  
Traer,  
Wilson,  
Young,

Springer, (Prest.) 17.

## NAYS.

Messrs. Ayers,  
Day,  
Edwards,  
Emerson,  
Gillaspy,  
Gower,  
Hall,  
Johnston,  
Marvin,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Winchester—18.

Mr. Wilson moved to amend the same section by striking out the word "shall" in the last clause thereof and inserting the word "may ;"

Upon the question of agreeing to said motion, the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarké, of Johnson,  
Clark, of Alamakee,  
Gray,

Messrs. Hollingsworth,  
Parvin,  
Traer,  
Warren,  
Wilson,

Young—11.

## NAYS.

Messrs. Ayers,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,

Messrs. Hall,  
Harris,  
Johnston,  
Marvin,

Messrs. Solomon,  
Todhunter,  
Winchester,  
Springer, (P.) 24.

The Twelfth Section of said Article being under consideration, as follows :

SEC. 12. The Board of Education shall provide for the education of all the youths of the State, through a system of schools. A school shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school, may be deprived of their portion of the school fund.

Mr. Wilson moved to amend said section by inserting the word "common" before the word schools, at the end of the first clause thereof ;

Upon this question, the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alameda,  
Ells,  
Gray,  
Hollingsworth,  
Parvin,

Messrs. Scott,  
Seely,  
Skiff,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.),—17.

#### NAYS.

Messrs. Ayers,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,

Messrs. Johnston,  
Marvin,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon,  
Todhunter—18.

The Thirteenth Section of said Article being under consideration, as follows :

SEC. 13. The Board of Education shall receive the same per diem

and mileage, during the time of their session, as members of the General Assembly; and for other services, such compensation as shall be provided for by the General Assembly.

Mr. Palmer moved to amend the same, by inserting before the word "Board," near the commencement thereof, the words "members of the;"

Which motion was agreed to.

Mr. Clarke, of Johnson, moved to strike out the last clause of said section, as follows: and for other services such compensation as shall be provided for by the General Assembly;"

Pending this question ————— moved that the Convention adjourn until seven o'clock this evening;

Upon this question, the yeas and nays were demanded, and resulted as follows:

#### YEAS.

Messrs. Ayers,  
Day,  
Emerson,  
Edwards,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,

Messrs. Marvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Skiff,  
Solomon,  
Traer,  
Warren,

Winchester—19.

#### NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clarke, of Alamakee,  
Ells,  
Gower,  
Gray,  
Hollingsworth,

Messrs. Palmer,  
Parvin,  
Scott,  
Seely,  
Todhunter,  
Wilson,  
Young,  
Springer, [P.] 16.

So the Convention adjourned until seven o'clock this morning.

## TUESDAY EVENING.

At seven o'clock, P. M., the Convention again met.

Mr. Gibson offered the following :

*Resolved*, That Messrs. Clark, of Alamakee, and Price be added to the Committee on Expenditures ;

Mr. Young moved that said resolution be laid on the table ;  
Which motion was not agreed to.

Mr. Traer moved that the consideration of said resolution be postponed indefinitely ;

Upon this question the yeas and nays were demanded and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Gower,  
Gray,

Messrs. Hollingsworth,  
Marvin,  
Skiff,  
Traer,  
Wilson,  
Winchester,  
Young,

Springer, [Prest.,] 15.

## NAYS.

Messrs. Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Johnston,  
Palmer,

Messrs. Patterson,  
Peters,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Warren—14.

Messrs. Clark, of Alamakee, Price and Parvin, were severally excused from voting.

The Convention then resumed the consideration of the Report of the Committee on Education and School Lands ; and,

The question being upon agreeing to the amendment offered by Mr.

Clarke, of Johnson, to the Thirteenth Section of the First Article of said Report,

The same was agreed to.

Mr. Gray moved to amend said Section so as to cause it to read as follows :

SEC. 13. The Board of Education shall receive the same per diem during the time of their session, and mileage going to and returning therefrom, as members of the General Assembly ;

Which motion was agreed to.

The Fifteenth Section of said Article being under consideration, as follows :

SEC. 15. At any time after the year 1865, the General Assembly, two-thirds of each branch concurring, shall have power to supercede or re-organize said Board of Education, and provide for the educational interest of the State in any other manner that to them shall seem best and proper.

Mr. Wilson offered the following as a Substitute for said section :

SEC. 15. At any time after the year 1863 the General Assembly shall have power to abolish or reorganize said Board of Education and provide for the Educational interest of the State in any other manner that to them should seem best and proper ;

Which was agreed to.

Mr. Wilson moved to amend the Fourth Section of said Article so as to read as follows :

SEC. 4. The first session of the Board of Education shall be held at the Seat of Government, on the first Monday of December, after their election ; after which the General Assembly may fix the time and place of meeting.

Which was agreed to.

Mr. Gower moved a reconsideration of the vote by which the amendment offered by Mr. Wilson to the Twelfth Section was disagreed to ;

Which was agreed to.

Said amendment, proposing to insert the word "common" before the word "schools," was then agreed to.

Mr. Scott moved to reconsider the vote by which the amendment offered by Mr. Clarke, of Henry, to the Tenth Section, was disagreed to.

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Gray,  
Harris,

Messrs. Parvin,  
Scott,  
Seely,  
Solomon,  
Young,  
Springer (P.) 12.

## NAYS.

Messrs. Ayers,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,

Messrs. Hollingsworth,  
Marvin,  
Patterson,  
Peters,  
Robinson,  
Skiff,  
Traer,  
Warren,  
Winchester—18.

Mr. Hall moved that said Article, as amended, be ordered to have a third reading, and be referred to the Committee on Revision, Engrossment and Enrollment ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,

Messrs. Hollingsworth,  
Marvin,  
Patterson,  
Peters,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Warren,  
Winchester,

Springer, (Prest.,)—23.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,

Messrs. Gray,  
Parvin,  
Traer,

Young—7.

The Second Article of said Report of the Committee on Education and School Lands was then taken up on its second reading: and,

The Third Section thereof being under consideration,

Mr. Ells moved to amend the same by adding thereto the following words: "in which tuition shall be without charge;"

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows:

#### YEAS.

Messrs. Clarke, of Henry,  
Clark, of Alamakee,  
Ells,  
Gray,

Messrs. Hollingsworth,  
Seely,  
Wilson,  
Springer, [P.] 8.

#### NAYS.

Messrs. Ayers;  
Bunker,  
Clarke, of Johnson,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Harris,  
Johnston,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Robinson,  
Scott,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Winchester,

Young—25.

Mr. Solomon moved to strike out the last clause of the Fifth Section, and the words "and county," near the middle of the Sixth Section, and the whole of the Seventh Section, and offered the following to come in as the Seventh Section:

SEC. 7. For the purpose of erecting charitable institutions and other public buildings of this State, the General Assembly may provide by law for borrowing from the School and University Funds for a series of years, such sum or sums as they may deem necessary for such purposes, for which they shall annually pay to the School Fund interest at the rate of ——— per cent. per annum;

On motion of Mr. Clarke, of Johnson,  
The Convention then adjourned.

## WEDNESDAY MORNING, MARCH 4, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Todhunter, from the Special Committee relative to the publication of the Debates and their distribution, made the following

## REPORT.

*Resolved*, That W. Blair Lord be employed to index and superintend the publication of the Debates of this Convention, and that he be allowed the sum of two hundred dollars for said services.

*Resolved*, That of the 1500 copies already ordered, if the same shall exceed 1200 pages, they shall be bound in two separate volumes.

And, when the Debates shall have been published, they shall be distributed as follows :

80 copies to the State Historical Society ;

2 copies to each State and organized Territory ;

2 copies to each county in the State, one of which shall be kept in the county offices ;

20 copies to each member of the Convention ;

5 copies to each of the Secretaries, Reporters, Sergeant-at-Arms and Chaplain of this Convention ;

1 copy to each State officer and Supreme and District Judge ;

1 copy to each Messenger and other officers of the Convention not otherwise provided for ;

The remainder of the one thousand five hundred copies shall be placed in the possession of the State and be disposed of as may be designated by law.

*Resolved*, That S. C. Trobridge be employed to distribute the Debates of this Convention, as provided for in the foregoing resolution ;

and, that he be paid for such distribution the sum of Five Hundred Dollars, and to be distributed as soon as ready.

S. G. WINCHESTER,  
LEWIS TODHUNTER,  
J. C. HALL.

Said report, having been read, the same was then adopted.

Mr. Clarke, of Johnson, from the Special Committee relative to printing and distributing the Journal, &c., made the following

### REPORT.

The Special Committee to which was referred certain resolutions relative to printing and distributing the Journal of this Convention, have had the subject under consideration, and beg leave to report the following resolutions, for the action of the Convention:

1. *Resolved*, That John Mahin be, and he is, hereby employed to print one thousand copies of the Journal of this Convention, with the Constitution attached, and ten thousand copies of the Constitution, separately; and that he be paid as a compensation therefor, the prices now paid by law to the State Printer, for similar kind of work; *Provided*, That in printing the said work, the State shall only be charged for single composition.

2. *Resolved*, That John Bittman, of Dubuque county, be employed to translate the Constitution into the German language, and print \_\_\_\_\_ copies of the same; and that for translating the same, he be paid the sum of fifty dollars, and for printing, the prices now paid by law to the State Printer for the same kind of work.

3. *Resolved*, That each member of this Convention be entitled to twenty-five copies of the Journal of this Convention for distribution; and that the remainder of said Journals be placed in the State Department, for the use of the State.

4. *Resolved*, That the ten thousand copies of the Constitution, (the printing of which is provided for in the foregoing resolution,) be divided among the counties according to population, and that the same be sent to the County Judge of each county, for distribution among the people.

5. *Resolved*, That the German Constitution be divided among the counties, as follows:

\* \* \* \* \*

6. *Resolved*, That T. J. Saunders, the Secretary of this Convention, be employed to index, superintend the printing of, and distribute,

the Journals and Constitutions herein provided for; and that he be allowed the sum of Three Hundred and Fifty Dollars, as a compensation in full for said services.

W. PENN CLARKE,  
*Chairman.*

Mr. Hall, from the same committee, made the following Minority

### REPORT.

The undersigned, minority of the Committee upon Printing and Distributing the Journal and Constitution, begs leave to report:

That there are a large number of foreigners, immigrants from Holland, within this State, many of whom are naturalized citizens of the the United States. These people are industrious and worthy citizens, generally well educated in their mother language, but in a matter so important as a Constitution very many of them will not be able to fully comprehend the true meaning if required to study it in the English language. As a matter of justice to them and to give them an opportunity of fully understanding this important subject, the undersigned recommends that, *Resolved*, That Henry P. Scholte, of Pella, Marion county, be employed to translate and print one thousand copies of the Constitution in the Holland language, and that he be required to distribute the same to the Hollanders in this State, and that he receive the usual compensation for his services and postage.

J. C. HALL.

Said reports having been read, and that from the majority of the committee being under consideration,

Mr. Edwards moved to strike out all in the first resolution, offered by the committee, relative to printing the Journal of the Convention;

Upon this question the yeas and nays were demanded and it was decided in the affirmative, as follows:

### YEAS.

Messrs. Clark, of Alamakee,  
Day,  
Edwards,  
Gillaspy,  
Gray,  
Hall,  
Hollingsworth,  
Johnston,  
Palmer,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Skiff,  
Solomon,  
Traer,  
Warren,  
Wilson—18.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Emerson,  
Gibson,  
Gower,

Messrs. Harris,  
Marvin,  
Parvin,  
Scott,  
Seely,  
Todhunter,  
Winchester,  
Young,

Springer, (Prest.,)—17.

Mr. Skiff moved to strike out the proviso in the first section ;  
Which motion was not agreed to.

Mr. Scott moved to fill the blank in the second resolution with the words "five thousand ;"

Which motion was not agreed to.

Mr. Gower moved to fill said blank with the words "three thousand ;"  
Which motion was agreed to.

Mr. Skiff moved to reconsider the vote by which that part of the first resolution relative to printing the Journal of the Convention was lost ;  
Which motion was agreed to.

The Previous question having been demanded,

Upon the question,

Shall the main question now be put ?

The same was decided in the affirmative, a majority of the members present voting therefor.

The question now being upon the motion to strike out all of the first resolution relative to printing the Journal,

The yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Clark, of Alamakee,  
Day,  
Edwards,  
Gillaspy,  
Hall,  
Hollingsworth,

Messrs. Johnston,  
Palmer,  
Patterson,  
Robinson,  
Solomon,  
Wilson—12.

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Emerson,  
Gibson,  
Gower,  
Gray,  
Harris,

Messrs. Marvin,  
Parvin,  
Peters,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Warren,  
Winchester,  
Young,

Springer, (Prest.,)—21.

The fifth resolution offered by said committee being under consideration, the same was modified, and the blank therein filled, so as to read as follows :

5. *Resolved*, That the German Constitution be divided among the counties, under the direction of the members of this Convention in their respective districts, as follows :

Mr. Ayers	receiving	10	copies ;
Bunker	do	50	do
Clarke, of Henry,	do	75	do
Clarke, of Johnson,	do	225	do
Clarke, of Alamakee,	do	150	do
Cotton	do	25	do
Day	do	10	do
Edwards	do	30	do
Ells	do	350	do
Emerson	do	375	do
Gibson	do	90	do
Gillaspy	do	50	do
Gower	do	40	do
Gray	do	40	do
Hall & Robinson }	do	150	do
Harris	do	20	do
Hollingsworth	do	40	do
Johnson & Patterson, }	do	375	do
Marvin	do	25	do
Palmer	do	40	do
Parvin	do	75	do
Peters	do	15	do
Price	do	90	do

Mr. Scott	receiving	300	copies ;
Seely	do	40	do
Skiff	do	40	do
Solomon	do	30	do
Todhunter	do	20	do
Traer	do	40	do
Warren	do	40	do
Wilson	do	50	do
Winchester	do	40	do
Young	do	10	do
Springer (Prest.,)	do	40	do

Mr. Gower moved to amend said Report by adding the following :

*Resolved*, That there be but one person employed to distribute our Reports, Journals, and American and German Constitution, and that the publishers deliver to the person employed.

Which was disagreed to.

Mr. Hall moved to amend said report by adding thereto the following :

*Resolved*, That Henry P. Scholte, of Pella, Marion county, be employed to translate and print one thousand copies of the Constitution in the Holland language, and that he be required to distribute the same to the Hollanders in this State, and that he receive the usual compensation for his services and postage ;

Which was agreed to.

The Report of the Special Committee, as amended, was then adopted.

Mr. Clark of Alamakee, offered the following :

*Resolved*, That the Committee on Expenditures be instructed to report the mileage of members of this Convention on the same principle and same construction that was allowed Senators in the last General Assembly ;

Mr. Hall moved that said resolution be laid on the table ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

#### YEAS.

Messrs. Ayers,

Day,

Gillaspy,

Hall,

Harris,

Hollingsworth,

Messrs. Johnston,

Palmer,

Patterson,

Robinson,

Solomon,

Springer, (P.) 12.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gower,  
Gray,  
Marvin,

Messrs. Parvin,  
Peters,  
Price,  
Scott,  
Seely,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young—22.

The Previous Question having been demanded,

Upon the question,

Shall the main question now be put?

It was decided in the affirmative, a majority of the members present voting therefor.

Upon the question of agreeing to the resolution of Mr. Clarke, of Henry,

The yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Emerson,  
Gibson,

Messrs. Parvin,  
Peters,  
Price,  
Scott,  
Seely,  
Solomon—10.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Day,  
Edwards,  
Ells,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Palmer,  
Parvin,  
Patterson,  
Robinson,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,) 23.

Mr. Young moved that the Convention do now adjourn ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Edwards,  
Gower,  
Hollingsworth,

Messrs. Parvin,  
Tödhunter,  
Wilson,  
Young,  
Springer, (P.) 10.

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Harris,  
Johnston,

Messrs. Marvin,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Traer,  
Warren,  
Winchester—24.

Mr. Edwards offered the following :

*Resolved*, That each member hand in to the Secretary a statement in writing, of the mileage he is entitled to, with the route of travel he claims upon, and that such statement shall be taken as the true mileage of members ;

Upon the question of adopting this resolution, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,

Messrs. Marvin,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Warren,  
Winchester—22.

## NAYS.

Messrs. Bunker,  
Clarke, of Johnson,  
Ells,  
Gower,  
Gray,  
Hollingsworth,

Messrs. Parvin,  
Todhunter,  
Traer,  
Wilson,  
Young,  
Springer, (P.) 12.

On motion of Mr. Traer,  
The Convention then adjourned.

## WEDNESDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

Mr. Clarke, of Johnson; asked and obtained leave to be excused from serving on the Committee on Expenditures, and Mr. Bunker was appointed in his stead.

Mr. Clark, of Alamakee, offered the following :

*Resolved,* That the per diem allowed members of this Convention shall not be so construed as to allow members pay per day for the time any member may have been absent from the Convention ;

Mr. Warren moved that the same be laid on the table ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Hall,  
Johnston,  
Palmer,  
Patterson,

Messrs. Peters,  
Price,  
Robinson,  
Seely,  
Todhunter,  
Traer,  
Warren,  
Winchester,  
Springer, (P.) 18.

## NAYS.

Messrs. Ayers,  
Bunker;  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Day,  
Edwards,

Messrs. Gray,  
Harris,  
Hollingsworth,  
Marvin,  
Parvin,  
Todhunter,  
Young—14.

Mr. Clark, of Alamahee, offered the following :

*Whereas*, By the resolutions of this Convention each member thereof has been supplied with a copy of Clark's Iowa Reports, the Code of Iowa, Cushing's Manual, the Constitution of the several States of this Union, and the Map of Iowa, for the purpose of affording to said members the information necessary to qualify said members to discharge their duties to the best advantage in forming a Constitution of this State ;

*And whereas*, Said object will have been attained at the final adjournment of this Convention, and that said books can be of no further use to said members after said adjournment ; therefore,

*Resolved*, That each member of said Convention is hereby required to return to the Secretary of State at said adjournment the above books and take his receipt for the same ;

Mr. Todhunter moved that the same be laid upon the table ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gower,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,  
Marvin,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,

Springer, [Prest.,] 25.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Young—9.

Messrs. Gillaspy,  
Gray,  
Parvin,  
Winchester,

Mr. Todhunter offered the following :

*Resolved*, That this Convention rescind the resolution that it passed several days since to adjourn on the fourth day of March, 1857, without delay ;”

Mr. Hall moved that said resolution be laid upon the table ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,  
Palmer,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Solomon,  
Traer,  
Warren,  
Winchester,  
Springer, (P.) 18.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,  
Gray,

Messrs. Hollingsworth,  
Marvin,  
Parvin,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Wilson,

Young—17.

The Convention then resumed the consideration of the Report of the Committee on Education and School Lands ; and,

The question being upon agreeing to the amendment to the Second Article offered by Mr. Solomon, last evening,

Mr. Gillaspy moved that the same be laid upon the table ;

Which motion was agreed to.

On motion of Mr. Hall,

The Second Article of said Report was then ordered to have a third reading, and was referred to the Committee on Revision, Engrossment and Enrollment.

Mr. Hall offered the following :

*Resolved*, That at the same election that this Constitution is voted for and against by the electors of this State that the following section, to be added to the Article "School Funds and School Lands," be voted upon as a separate question, to-wit: "That the School and University Funds that exist in choses in action or that have been loaned out by the officers of this State, shall, when the same becomes due, be collected and paid into the Treasury of State, and the General Assembly shall provide for the permanent investment of said Funds in United States or selected interest-paying State securities bearing not less than six per cent. interest, and that no more of said Fund be loaned to individuals." The electors voting upon said section shall have written or printed on their ballots, "Consolidation of the School Funds—Yes!" or "Consolidation of the School Funds—No!" And if a majority of all the votes given shall be for "Consolidation of the School Funds—Yes," then the section aforesaid shall be a part of the Constitution of this State; and if a majority of the votes given shall be "Consolidation of the School Funds—No," then said section shall not become a part of the Constitution;

Said proposition having been read a first time, the same was ordered to have a second reading.

The Report of the Committee on Schedule was then taken up, and The Third Section thereof being under consideration, as follows :

SEC. 3. All indictments, prosecutions, suits, pleas, complaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several courts, in the same manner as now provided by law;

Mr. Hall moved to amend the same by adding thereto as follows :

"And all offences, misdemeanors and crimes that may have been committed before the taking effect of this Constitution, shall be subject to judgment, trial and punishment in the same manner as they would have been had not this Constitution been made ;"

Which motion was agreed to.

The Sixth Section of said Report being under consideration, providing for the first election of Governor, Lieutenant Governor and members of the General Assembly,

Mr. Skiff moved to amend the same by inserting the "Judges of the Supreme Court ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Skiff,

Solomon—15.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Parvin,  
Scott,  
Seely,  
Todhunter,  
Traer,  
Wilson,  
Winchester,  
Young,  
Springer (P.,) 18.

The same section being under consideration,

Mr. Palmer moved to strike out the last clause thereof, relating to the first election of members of the General Assembly ;

Upon this question the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon—14.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,

Messrs. Scott,  
Seely,

Messrs. Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,  
Parvin,

Messrs. Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer (P.,) 20.

The Seventh Section of said Report being under consideration, as follows :

SEC. 7. The first election for Secretary, Auditor, and Treasurer of State, Attorney General, District Judges, District Attorneys, Members of Congress and such State officers as shall be elected at the April election, in the year one thousand eight hundred and fifty-seven, except the Superintendent of Public Instruction, and such county officers as were elected at the August election, in the year one thousand eight hundred and fifty-six, except Prosecuting Attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight.

Mr. Skiff moved to amend the same by inserting between the words "Judges" and "District" the words "Members of the Board of Education ;"

Which motion was agreed to.

Mr. Harris moved to amend the same Section by adding thereto as follows :

*Provided*, That the time for which any District Judge, or other State or county officer elected at the April election, 1858, shall not extend beyond the time fixed for filling like offices at the October election, 1858 ;

Which was agreed to.

Mr. Hall offered the following Substitute for the Sixth, Seventh and Eighth Sections of said Report :

SEC. 6. The first election under this Constitution, shall be the second Tuesday in October, 1858 ; at which election the electors of the State shall elect the Governor, Lieutenant Governor, Secretary, Auditor and Treasurer of State, Members of Congress, the Judges of the Supreme Court and District Courts, Attorney General, District Attorneys, members of the Senate and House of Representatives, and members of the Board of Education. The Senators elected shall be classified as required under the present Constitution.

SEC. 7. All offices under the present Constitution and those who may be elected prior to the elections in October, 1858, shall hold their offices until their successors are elected and qualified under this Constitution.

SEC. 8. All elections authorized under this Constitution now in force shall be held under the present Constitution until the second Tuesday in October, 1858;

Upon the question of agreeing to said Substitute, the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Solomon—14.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alameda,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Parvin,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Pres.), 21.

The Twelfth Section of said Report being under consideration, as follows:

SEC. 12. On the taking effect of this Constitution, all officers thereby continued in office, shall, before proceeding to the further discharge of their duties, take an oath or affirmation to support this Constitution;

Mr. Hall moved that the same be stricken out of said Report;  
Which motion was agreed to.

The Thirteenth Section of said Report being under consideration, as follows:

SEC. 13. The General Assembly, at the first session under this Constitution, shall district the State into eleven Judicial Districts, for District Court purposes; and shall also provide for the apportionment of the members of the House of Representatives, in accordance with the provisions of this Constitution;

Mr. Winchester moved to amend the same by striking out the words "House of Representatives" and inserting "General Assembly ;"

Which motion was agreed to.

The Fourteenth Section of said Report being under consideration, providing for the mode of submitting the Constitution to the people,

Mr. Winchester moved to strike out the word "New," in the form of ballot to be used, and insert the word "Revised ;"

Which motion was not agreed to.

Mr. Johnston offered the following as an additional section to said Report :

SEC. —. Whenever a portion of the citizens of Lee county deem it expedient to procure a division of said county, it shall be the duty of the General Assembly to make a law by which the proposal to divide said county (the metes and bounds of the proposed new county being set forth in said law) shall be submitted to the voters of the county of Lee at a general or special election, and the General Assembly shall prescribe in said law the mode for the proper organization of said new county, and they shall be organized under said law, provided a majority of the votes given on the question of division at said election shall be in favor of said proposed division ;

Upon the question of agreeing to the same, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Winchester,

Young—29.

## NAYS.

Messrs. Clarke, of Henry,  
Ells,

Messrs. Marvin,  
Wilson,

Springer, [Prest.,] 5.

Mr. Solomon offered the following as an additional section to said Report:

SEC. —. Until otherwise directed by law, the county of Mills shall be in and a part of the Sixth Judicial District of this State;

Which was agreed to.

Mr. Skiff moved that said Report, as amended, be ordered to a third reading, and be referred to the Committee on Revision, Engrossment and Enrollment;

Which motion was agreed to.

Mr. Hall moved that the rule be suspended requiring the reading of a proposition three different times upon as many different days, in order to take up the resolution offered by him respecting the "Consolidation of the School Fund;"

Which motion was agreed to.

Said proposition was then read a second time, and upon the question of agreeing to the same, and ordering it to a third reading,

The yeas and nays were demanded, and it was decided in the negative, as follows:

#### YEAS.

Messrs. Ayers,  
Clarke, of Johnson,  
Ells,  
Emerson,  
Gower,  
Hall,

Messrs. Johnston,  
Patterson,  
Peters,  
Robinson,  
Skiff,  
Traer,

Warren—13.

#### NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clark, of Alamakee,  
Edwards,  
Gibson,  
Gillaspy,  
Gray,  
Harris,  
Hollingsworth,  
Marvin,

Messrs. Palmer,  
Parvin,  
Price,  
Seely,  
Solomon,  
Todhunter,  
Wilson,  
Winchester,  
Young,  
Springer, (P.), 20.

Mr. Clarke, of Johnson, presented the following

## REPORT.

The committee appointed to superintend the printing of the Debates, beg leave to report the following resolution:

*Resolved*, That A. P. Luse & Co., be instructed to put up and mail to each member of this Convention, ten copies of the daily slips of the Debates; and that the postage for the same, be paid by them, and charged to the State.

W. PENN CLARKE,  
*Chairman.*

Said report having been read, the same was received, and, on motion, the resolution offered by the Committee was adopted.

The President laid before the Convention the following

## REPORT.

*To the President of the Convention:*

Agreeably to the resolution passed this morning, the Secretary would report to the Convention, that statements in writing respecting mileage, have been handed in to his desk, as follows:

Mr. Ayers,	260 miles.
Bunker,	34
Clarke, of Henry,	120
Clarke, of Johnson,	
Clark, of Alamakee,	600
Cotton,	200
Day,	328
Edwards,	280
Ells,	110
Emerson,	640
Gibson,	680
Gillaspy,	170
Gower,	32
Gray,	66
Hall,	400
Harris,	260
Hollingsworth,	200
Johnston,	260
Marvin,	136
Palmer,	200
Parvin,	72

Mr. Patterson,	320 miles;
Peters,	720
Price,	1000
Robinson,	400
Scott,	720
Seely,	360
Skiff,	180
Solomon,	600
Todhunter,	320
Traer,	100
Warren,	640
Wilson,	110
Winchester,	240
Young,	200
Springer, (Prest.,)	66

Respectfully submitted,

TH. J. SAUNDERS, *Secretary*.

Said report having been read, the same was received, and, on motion, it was referred to the Committee on Expenditures.

Mr. Clark, of Alamakee, moved to reconsider the vote by which the Report of the Special Committee relative to the publication of the Debates and their distribution, was adopted this morning;

Which motion was agreed to.

Mr. Clark, of Alamakee, then moved that the name "S. C. Trobridge" be stricken out of the third resolution offered by the Committee, and "the Secretary of State" be inserted in lieu thereof;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows:

#### YEAS.

Messrs. Clarke, of Henry,	Marvin,
Clark, of Alamakee,	Patterson,
Day,	Peters,
Ells,	Price,
Gibson,	Seely,
Gillaspy,	Skiff,
Hall,	Solomon,
Harris,	Warren,
Johnston,	Young—18.

#### NAYS.

Messrs. Ayers,	Messrs. Hollingsworth,
Bunker,	Palmer,

Messrs. Clarke, of Johnson,  
Emerson,  
Gower,  
Gray,

Messrs. Robinson,  
Todhunter,  
Traer,  
Winchester—12.

Mr. Marvin moved to strike out the words "five hundred," in said resolution ;

Which motion was agreed to.

Mr. Clarke, of Henry, moved that the blank in said resolution be filled with the words "four hundred ;"

Which motion was agreed to.

Said Report, as amended, was then adopted.

Mr. Clarke, of Henry, moved to reconsider the vote by which the report of the special committee relative to printing and distributing the Journal, &c., was adopted ;

Which motion was agreed to.

Mr. Clarke, of Henry, then moved to amend the sixth resolution of said Report, by striking out "three hundred and fifty dollars," as the compensation of the Secretary for certain services, and inserting "five hundred dollars ;"

Which motion was agreed to.

Said Report, as amended, was then adopted.

Mr. Todhunter moved to take from the table the resolution offered by him relative to rescinding the resolution of adjournment ;

Which motion was not agreed to.

Mr. Clarke, of Henry, from the Committee on Revision, Engrossment, and Enrollment, reported back to the Convention that portion of the Constitution referred to them relative to Preamble and Bill of Rights ;

Which, having been read a third time,

Upon the question of adopting the same, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,

Messrs. Johnston,  
Marvin,  
Parvin,  
Price,  
Scott,

Messrs. Edwards,  
Ells,  
Gibson,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Seely,  
Skiff,  
Todhunter,  
Traer,  
Wilson,  
Winchester,  
Young,  
Springer, [P] 26.

## NAYS.

Messrs. Emerson,  
Gillaspy,  
Palmer,

Messrs. Patterson,  
Peters,  
Solomon,—6.

The same committee reported back to the Convention that portion of the Constitution referred to them relative to right of Suffrage;

Which, having been read a third time,

Upon the question of adopting the same, the yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Wilson,  
Winchester,  
Young,  
Springer, [P] 30.

## NAYS.

Mr. Emerson,

Mr. Peters,—2.

The same committee reported back to the Convention that portion of the Constitution referred to them relative to Distribution of Powers and Legislative Department;

Which, having been read a third time,

Mr. Clarke, of Johnson, offered the following :

*Resolved*, That the article on the Legislative Department be re-committed to the Standing Committee on that subject, with instructions to so modify the 35th section as to require the apportionment for members of the House of Representatives to be made upon the basis of population, instead as provided in that section ; and also to so modify the 23d section, as to cause the enumeration provided for in that section to be made in the years 1859, 1863, 1865, 1867, 1869, and 1875 ;

Mr. Traer moved that said resolution be laid upon the table ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clark, of Alamakee,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Palmer,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,

Winchester—23.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Gower,

Messrs. Marvin,  
Parvin,  
Warren,  
Wilson,  
Young,  
Springer, (P.) 12.

Mr. Winchester offered the following :

*Resolved*, That Willis Conard be employed to forward to the members of this Convention all mail matter which may arrive at this office, and that he be allowed the sum of thirty dollars for said service, and that the postage be charged to the State ;

Which resolution was adopted.

On motion of Mr. Skiff,

The Convention then adjourned until seven o'clock this evening.

## WEDNESDAY EVENING.

At seven o'clock, P. M., the Convention again met.

Mr. Todhunter moved to take from the table the resolution rescinding the resolution for final adjournment;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gower,  
Hollingsworth,  
Springer, (Prest.),—17.

Messrs. Marvin,  
Parvin,  
Scott,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Young,

## NAYS.

Messrs. Ayers,  
Day,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,

Messrs. Harris,  
Johnston,  
Palmer,  
Patterson,  
Peters,  
Price—12.

Said resolution having been read, the same was then agreed to.

The Convention then resumed the consideration of the Report of the Committee on Revision, &c., relative to the Distribution of Powers and Legislative Department :

Mr. Wilson offered the following to come in at the end of the Sixteenth Section of the Article on Legislative Department :

“Any bill submitted to the Governor for his approval during the last three days of a session of the General Assembly, shall be deposited by him in the office of the Secretary of State within thirty days after the adjournment, with his approval, if approved by him, and with his objections, if he disapproves thereof ;”

Which, by general consent, was agreed to.

Mr. Clarke, of Johnson, offered the following :

*Resolved*, That the Article on the Legislative Department be recommended to the Standing Committee on that subject, with instructions to consider the expediency of striking out the seventh line and all the eighth line before the word "provided," in the thirty-fifth section ;

Upon the question of agreeing to this resolution the yeas and nays were demanded, and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Emerson,  
Gower,  
Marvin,

Messrs. Peters,  
Scott,  
Skiff,  
Warren,  
Wilson,  
Young,

Springer, (Prest.) 13.

## NAYS.

Messrs. Ayers,  
Clark, of Alamahee,  
Day,  
Edwards,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Seely,  
Todhunter,  
Traer,  
Winchester—20.

Mr. Clarke, of Henry, moved to recommit said Article with instructions to strike out "one-half" in the Thirty-fifth Section and insert "three-fourths ;"

Mr. Gillaspy moved a call of the House, whereupon the following gentlemen answered to their names :

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Day,  
Edwards,  
Ells,  
Emerson,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,

Messrs. Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P.) 34.

Mr. Harris moved that further proceedings under the call be dispensed with ;

Which motion was agreed to.

Upon the question of agreeing to Mr. Clarke, of Henry's motion to recommit, the yeas and nays were demanded and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Ells,  
Gower,  
Marvin,

Messrs. Scott,  
Skiff,  
Warren,  
Wilson,  
Young,  
Springer, (P.) 12

## NAYS.

Messrs. Ayers,  
Clark, of Alamahee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Harris,  
Hollingsworth,

Messrs. Johnston,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Seely,  
Todhunter,  
Traer,  
Winchester—22.

Mr. Clarke, of Henry, moved to recommit said Article with instructions to strike out "one-half" and insert "two-thirds.;"

Upon this question the yeas and nays were demanded and it was decided in the negative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,

Messrs. Hollingsworth,  
Scott,

Messrs. Clarke, of Johnson,  
Ells,  
Gower,  
Gray,

Messrs. Skiff,  
Warren,  
Wilson,  
Young,

Springer, (Prest.) 13.

#### NAYS.

Messrs. Ayers,  
Clark, of Alamakee,  
Day,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Seely,  
Todhunter,  
Traer,  
Winchester—20.

The question now being upon agreeing to the Report of the Committee on Revision, &c., relative to Distribution of Powers and Legislative Department, as amended,

The yeas and nays were demanded, and it was decided in the affirmative, as follows:

#### YEAS.

Messrs. Ayers,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,  
Palmer,  
Parvin,

Messrs. Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, [P.] 30.

#### NAYS.

Messrs. Bunker,  
Clarke, of Johnson,

Messrs. Clarke, of Henry,  
Gower—4.

Mr. Clarke, of Henry, from the same committee, reported back to the Convention the proposed Article referred to them, relative to the location of the Seat of Government and State University, with the recommendation that it be incorporated in the Constitution as Section Eighth of Miscellaneous Matter ;

Which, having been read a third time,

Upon the question of adopting the same, the yeas and nays were demanded and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clarke, of Henry,  
Clarke, of Johnson,  
Day,  
Edwards,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Palmer,  
Patterson,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Warren,  
Springer, (P.) 22.

## NAYS.

Messrs. Bunker,  
Clark, of Alamakee,  
Emerson,  
Gower,  
Gray,  
Marvin,

Messrs. Parvin,  
Peters,  
Traer,  
Wilson,  
Winchester,  
Young,—12.

The same Committee reported back to the Convention that portion of the Constitution referred to them relative to Executive Department ;

Which, having been read a third time,

Upon the question of adopting the same, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,

Messrs. Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.)—35.

NAYS.

[None.]

The same Committee reported back to the Convention that portion of the Constitution referred to them, relative to Judicial Department;

Which, having been read a third time,

Upon the question of adopting the same,

The yeas and nays were demanded, and it was decided in the affirmative, as follows:

YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Day,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Scott,  
Seely,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,)—31.

NAYS.

Messrs. Clark, of Alamakee,  
Emerson,

Messrs. Peters,  
Skiff—4.

The same Committee reported back to the Convention that portion of the Constitution referred to them, relative to Militia ;

Which, having been read a third time,

Upon the question of adopting the same,

It was agreed to, unanimously.

The same Committee reported back to the Convention that portion of the Constitution referred to them, relative to State Debts ;

Which, having been read a third time,

Upon the question of adopting the same,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Day,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Pres.),—35.

#### NAYS.

[None.]

Mr. Clarke, of Henry, moved to reconsider the vote by which the proposed Article relative to the location of the Seat of Government and State University was adopted ;

Which motion was not agreed to.

Mr. Johnston offered the following :

*Resolved*, That the thanks of the Convention are hereby tendered to the Hon. Francis Springer, for the able and impartial discharge of his duties as President of this Convention ;

The President called Mr. Parvin to the Chair ; and,

The question having been put,

The resolution was adopted by acclamation.

Mr. Gray offered the following :

*Resolved*, That the President of this Convention be authorized and invited to remove, and retain at his pleasure, the Chair which he has so ably occupied during his Presidency of this Convention ;

Which resolution was adopted, unanimously.

Mr. Clark, of Alamahee, moved that the Convention do now adjourn ;

Which motion was not agreed to.

Mr. Clarke, of Henry, from the Committee on Revision, &c., reported back to the Convention that portion of the Constitution relative to Incorporations ;

Which, having been read a third time,

Upon the question of adopting the same,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gibson,  
Gillaspy,  
Gower,  
Gray,  
Hall,  
Harris,  
Hollingsworth,  
Johnston,  
Maryin,

Messrs. Palmer,  
Parvin,  
Patterson,  
Price,  
Robinson,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.),—29.

## NAYS.

Messrs. Ayers,  
Clarke, of Johnson,  
Day,

Messrs. Emerson;  
Peters,  
Solomon—6.

On motion of Mr. Skiff,

The Convention then adjourned till nine o'clock, to-morrow morning.

## THURSDAY MORNING, MARCH 5, 1857.

At nine o'clock, A. M., the Convention came to order, the President in the Chair.

Prayer was offered by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Skiff offered the following :

*Resolved*, That a committee be appointed for the purpose of getting two thousand copies of the new Constitution printed for the use of the members of this Convention, and that said Committee be instructed to procure said printing done and ready for distribution by to-morrow morning at seven o'clock ;

Said resolution having been read, the same was adopted, and the President appointed Messrs. Skiff and Warren said Committee ;

Mr. Skiff moved that in the Distribution of the Debates, Jas. R. Hartsock receive one copy ;

Which motion was agreed to.

Mr. Gray offered the following :

*Resolved*, That the Assistant Secretary of this Convention be allowed one dollar per diem for his services in this Convention, in addition to the sum heretofore allowed him; making, altogether, six dollars per diem during his attendance at this session ;

Said resolution having been read, the same was adopted.

Mr. Johnston, from the Committee on Expenditures, presented the following Statement respecting the per diem and mileage of members :

### PER DIEM AND MILEAGE.

Mr. Ayers,	47 days, at 3 per day—\$141.00 260 miles, at 3 per 20— 39.00	\$180.00
Mr. Bunker,	47 days, at 3 per day—\$141.00 34 miles, at 3 per 20— 5.10	\$140.10
Mr. Clarke, of Henry,	47 days, at 3 per day—\$141.00 120 miles, at 3 per 20— 18.00	\$159.00
Mr. Clarke, of Johnson,	47 days, at 3 per day—\$141.00 — miles, at 3 per 20— —.—	\$141.00
Mr. Clark, of Alamakee,	47 days, at 3 per day—\$141.00 600 miles, at 3 per 20— 90.00	\$231.00
Mr. Cotton,	47 days, at 3 per day—\$141.00 200 miles, at 3 per 20— 30.00	\$171.00
Mr. Day,	47 days, at 3 per day—\$141.00 323 miles, at 3 per 20— 49.00	\$190.00
Mr. Edwards,	47 days, at 3 per day—\$141.00 280 miles, at 3 per 20— 42.00	\$183.00
Mr. Ells,	47 days, at 3 per day—\$141.00 110 miles, at 3 per 20— 16.50	\$157.50
Mr. Emerson,	47 days, at 3 per day—\$141.00 640 miles, at 3 per 20— 96.00	\$237.00
Mr. Gibson,	47 days, at 3 per day—\$141.00 680 miles, at 3 per 20— 102.00	\$243.00
Mr. Gillaspy,	47 days, at 3 per day—\$141.00 170 miles, at 3 per 20— 25.50	\$166.50
Mr. Gower,	47 days, at 3 per day—\$141.00 32 miles, at 3 per 20— 4.80	\$145.80
Mr. Gray,	47 days, at 3 per day—\$141.00 66 miles, at 3 per 20— 9.90	\$150.90
Mr. Hall,	47 days, at 3 per day—\$141.00 400 miles, at 3 per 20— 60.00	\$201.00
Mr. Harris,	47 days, at 3 per day—\$141.00 260 miles, at 3 per 20— 39.00	\$180.00
Mr. Hollingsworth,	47 days, at 3 per day—\$141.00 200 miles, at 3 per 20— 30.00	\$171.00

Mr. Johnston,	47 days, at 3 per day—\$141.00	
	260 miles, at 3 per 20— 39.00	\$180.00
Mr. Marvin,	47 days, at 3 per day—\$141.00	
	136 miles, at 3 per 20— 20.40	\$161.40
Mr. Palmer,	47 days, at 3 per day—\$141.00	
	200 miles, at 3 per 20— 30.00	\$171.00
Mr. Parvin,	47 days, at 3 per day—\$141.00	
	72 miles, at 3 per 20— 10.80	\$151.80
Mr. Patterson,	47 days, at 3 per day—\$141.00	
	320 miles, at 3 per 20— 48.00	\$189.00
Mr. Peters,	47 days, at 3 per day—\$141.00	
	720 miles, at 3 per 20— 180.00	\$249.00
Mr. Price,	47 days, at 3 per day—\$141.00	
	1000 miles, at 3 per 20— 150.00	\$291.00
Mr. Robinson,	47 days, at 3 per day—\$141.00	
	400 miles, at 3 per 20— 60.00	\$201.00
Mr. Scott,	47 days, at 3 per day—\$141.00	
	720 miles, at 3 per 20— 107.00	\$249.00
Mr. Seely,	47 days, at 3 per day—\$141.00	
	360 miles, at 3 per 20— 54.00	\$195.00
Mr. Skiff,	47 days, at 3 per day—\$141.00	
	180 miles, at 3 per 20— 27.00	\$168.00
Mr. Solomon,	47 days, at 3 per day—\$141.00	
	600 miles, at 3 per 20— 90.00	\$231.00
Mr. Todhunter,	47 days, at 3 per day—\$141.00	
	320 miles, at 3 per 20— 48.00	\$189.00
Mr. Traer,	47 days, at 3 per day—\$141.00	
	100 miles, at 3 per 20— 15.00	\$156.00
Mr. Warren,	47 days, at 3 per day—\$141.00	
	640 miles, at 3 per 20— 96.00	\$237.00
Mr. Wilson,	47 days, at 3 per day—\$141.00	
	110 miles, at 3 per 20— 16.50	\$157.50
Mr. Winchester,	47 days, at 3 per day—\$141.00	
	240 miles, at 3 per 20— 36.00	\$177.00
Mr. Young,	47 days, at 3 per day—\$141.00	
	200 miles, at 3 per 20— 30.00	\$171.00
Mr. Springer, (Prest.)	47 days, at 3 per day—\$141.00	
	66 miles, at 3 per 20— 9.90	
	Extra pay at 3 per day—\$141.00	\$291.90

In connection with said statement, the following resolution was submitted :

*Resolved*, That for the per diem and mileage of members as set forth in the annexed statement, a certificate signed by the President and attested by the Secretary be delivered to the Auditor of State ;

Upon the question of agreeing to said resolution, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Clark, of Alamahee,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,  
Johnston,  
Marvin,

Messrs. Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Scott,  
Seely,  
Warren,  
Springer, (P.) 18.

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Gower,  
Gray,

Messrs. Hollingsworth,  
Skiff,  
Todhunter,  
Traer,  
Wilson,  
Winchester,  
Young—14.

Mr. Clark, of Alamahee, offered the following :

*Resolved*, That the Convention adjourn *sine die* at seven o'clock, A. M., to-morrow ;

Which resolution was adopted:

Mr. Hall offered the following :

*Resolved*, That one copy of the Journal and Debates of this Convention be presented to each Editor of a newspaper or periodical paper published in this State, and that the officer distributing said Journal, &c., be required to deliver the same ;

Upon the question of agreeing to said resolution, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Clarke, of Henry,  
Emerson,

Messrs. Palmer,  
Patterson,

Messrs. Gibson,  
Gower,  
Hall,  
Harris,  
Johnston,  
Marvin,  
Springer, (Prest.)—17.

Messrs. Peters,  
Price,  
Scott,  
Solomon,  
Traer,  
Warren,

## NAYS.

Messrs. Ayers,  
Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Gillaspy,  
Gray,

Messrs. Hollingsworth,  
Parvin,  
Seely,  
Skiff,  
Todhunter,  
Wilson,  
Young—14.

Mr. Harris offered the following :

*Resolved*, That the especial and particular thanks of this Convention be tendered to Thomas J. Saunders, for the very able and faithful manner in which he has discharged the duties of Secretary of this Convention, and the kind and gentlemanly manner in which he has demeaned himself towards the members of the Convention ;

Said resolution having been read, the same was adopted unanimously.

Mr. Clarke, of Henry, from the Committee on Revision, Engrossment and Enrollment, reported back to the Convention that portion of the Constitution referred to them, relative to Education and School Lands ;

Which, having been read a third time,

Upon the question of adopting the same,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Gillaspy,  
Gower,

Messrs. Marvin,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Seely,

Messrs. Hall,  
Harris,  
Hollingsworth,  
Johnston,  
Springer, Prest., )—23.

Messrs. Skiff,  
Solomon,  
Todhunter,  
Warren,

## NAYS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Gray,

Messrs. Traer,  
Wilson,  
Winchester,  
Young—8.

The same Committee reported back to the Convention that portion of the Constitution referred to them, relative to Amendments to the Constitution ;

Which, having been read a third time,

Mr. Wilson moved to recommit the same to the Standing Committee on that subject, for the purpose of amendment ;

Upon this question the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Ells,  
Gower  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Scott,  
Skiff,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer [P.] 18.

## NAYS.

Messrs. Ayers,  
Edwards,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,  
Seely,

Solomon—15.

After a short time, Mr. Warren, Chairman of the Committee on Amendments to the Constitution, reported the same back to the Con-

vention, with the following amendment: Insert between the words "election" and "shall" in the latter part of the Third Section, the words "for and against such proposition;"

The question now being upon agreeing to the amendment proposed by said Committee,

The yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Ells,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Scott,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.) 19.

## NAYS.

Messrs. Ayers,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Parvin,  
Patterson,  
Peters,  
Price,

Seely—13.

Upon the question of adopting the Article, as amended,

The yeas and nays were demanded, and it was decided in the affirmative, as follows:

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamahee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Parvin,  
Scott,  
Seely,  
Skiff,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Young,

Springer, (Prest.,) 21.

## NAYS.

Messrs. Ayers,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Winchester—12.

The same Committee reported back to the Convention that portion of the Constitution referred to them, relative to Miscellaneous Matter ;

Which, having been read a third time,

Upon the question of adopting the same, the yeas and nays were demanded, and it was decided in the affirmative, as follows :

## YEAS.

Messrs. Ayers,  
Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hall,  
Hollingsworth,  
Johnston,  
Marvin,  
Palmer,

Messrs. Parvin,  
Patterson,  
Price,  
Scott,  
Seely,  
Solomon,  
Todhunter,  
Traer,  
Warren,  
Wilson,  
Winchester,  
Young,  
Springer, (P.,) 26.

## NAYS.

Messrs. Emerson,  
Gibson,

Messrs. Gillaspy,  
Harris—4.

Mr. Clarke, of Johnson, offered the following :

*Resolved*, That the thanks of this Convention be tendered to W. Blair Lord, and Charles B. Collar and Henry M. Parkhurst, his associates, for the accurate and impartial manner in which they have reported the Debates and Proceedings of this Convention ;

Said resolution, having been read, the same was adopted unanimously.

Mr. Hall offered the following :

*Resolved*, That the thanks of this Convention are hereby tendered to the different officers of this Convention for the faithful, impartial

and courteous manner in which they have discharged their several duties pertaining to their offices ;

Said resolution having been read, the same was adopted unanimously.

Mr. Clarke, of Henry, from the Committee on Revision, &c., reported back to the Convention that portion of the Constitution referred to them relative to the schedule ;

Which, having been read a third time,

On motion, the same was recommitted to the Standing Committee on that subject for the purpose of amendment ;

Said committee, after a short time, reported the Article back to the Convention, with the section relative to the division of the county of Lee stricken out ;

The Convention having concurred in the amendment made by the Committee, and,

The question being upon the adoption of the schedule, as amended,

The yeas and nays were demanded, and it was decided in the affirmative, as follows :

#### YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gower,  
Gray,  
Hollingsworth,  
Marvin,

Messrs. Parvin,  
Scott,  
Seely,  
Skiff,  
Todhunter,  
Tracer,  
Warren,  
Wilson,  
Young,  
Springer, (P.,) 20.

#### NAYS.

Messrs. Ayers,  
Emerson,  
Gibson,  
Gillaspy,  
Hall,  
Harris,

Messrs. Johnston,  
Palmer,  
Patterson,  
Peters,  
Price,  
Solomon—12.

On motion of Mr. Skiff,  
The Convention then adjourned.

## THURSDAY AFTERNOON.

At two o'clock, P. M., the Convention again met.

Mr. Hall, on behalf of himself and several other members, presented the following

## PROTEST.

The undersigned, members of this Convention, beg leave to present the following protest against certain provisions contained in the schedule, as passed by the majority of the Convention:

Under the provisions of the schedule, the question of adopting the Constitution will be submitted to the people for their approval or rejection, on the first Monday of August, A. D., 1857. *If it is adopted*, it becomes the supreme law of the State. The first election under it will be on the second Tuesday of October, 1857: with this we would be content. But the tenth, seventh and eighth sections of the schedule come in and completely discredits the first section, by denying to the Constitution its authoritative character in the important and primary matter of electing their Representatives and other officers of the State.

The Constitution recognizes and gives to the people the right to elect their Supreme Judges. The manner of electing those officers under the present Constitution is condemned as wrong; yet, although the Constitution provides for a general election in 1857 and 1858, this right of the people, so unanimously conceded, is withheld until October, 1859.

The Constitution provides for the mode and manner of apportioning the State into Representative Districts. This manner is materially and radically different from the mode provided under the present Constitution, and would be the supreme law of the land at the October election, 1857, if this schedule did not interpose a veto upon it.

In the place of allowing the wise and equitable mode provided by this Constitution to govern the apportioning of the State into Representative Districts, this schedule interposes and adopts the apportionment made by the late General Assembly, and again denies to the Constitution its Supreme character. The apportionment in this manner adopted is grossly unjust and in violation of the very first principles asserted in this Constitution. It gives the power to a minority of near twenty thousand of the people of this State to elect a majority of the Representatives of the people. This Convention, then, by their action, sanc-

tions and adopts the principle that the first Legislature that shall assemble under this Constitution shall be elected by a minority of the people of the State.

The undersigned would not complain at a reasonable delay in the passing from the old Constitution to the new one, but where it is apparent that the proper time has been enlarged, and just and wise reforms are delayed and withheld for mere partizan purposes and advantages, the undersigned cannot silently stand by and suffer the outrage to be consummated.

We, therefore, protest against the postponement of the elections of Supreme Judges, until October, 1859.

We protest against the election of the Legislature under any other apportionment except based upon the principles declared in the Constitution.

We protest against continuing the apportionment law of the late General Assembly by constitutional adoption: because we know it to be an outrage upon the rights of the people, by turning over to the minority of the people the power of the government, which, upon the highest principles, belongs alone to the majority.

J. C. HALL,  
A. HARRIS,  
JOHN H. PETERS,

D. P. PALMER,  
H. D. GIBSON,  
WM. PATTERSON,

S. AYERS.

Which, having been read, was received, and ordered to lie on the table.

Mr. Clarke, of Johnson, moved that the several Articles of the Constitution be referred to a committee of three for critical examination;

Which motion was agreed to, and the President appointed Messrs. Clarke, of Johnson, Hall and Gray said committee.

Mr. Peters offered the following:

*Resolved*, That the Secretary of State be allowed the sum of thirty dollars to pay postage on Green's Reports, to be sent to members of the Convention;

Which resolution was adopted.

Mr. Parvin moved that the members of the Convention dispense with the daily slips of the Debates and Proceedings;

Which motion was not agreed to.

The President laid before the Convention, the following communication :

CONVENTION HALL, March 5th, 1857.

HON. FRANCIS SPRINGER :—

*Dear Sir:* Will you be kind enough to state to members of the Convention, that as there are some errors in the portion of the Debates already published, and there may be others hereafter, both before and after I shall commence my revision of them, if each member will, before the close of its publication, forward to me such errors as they may be able to discover, I will incorporate them under the general head of "errata," to come in just before the index.

Respectfully yours,

W. BLAIR LORD.

Which was read and received by the Convention.

On motion of Mr. Peters,

The Convention adjourned till seven o'clock this evening.

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#### THURSDAY EVENING.

At seven o'clock, P. M., the Convention again met.

Mr. Johnston, from the Committee on Expenditures, presented a statement in detail, respecting the number of newspapers ordered by the members, and recommending an allowance of \$1.25 for the daily copies and \$0.50 for the weekly copies ; and, in connection therewith, offered the following resolution :

*Resolved,* That the allowances made in the statement be approved, and a certificate of the same, signed by the President and attested by the Secretary, be delivered to the Auditor of State,

Said resolution having been read, the same was adopted by the Convention.

Mr. Johnston, from the same committee, presented a statement as follows :

## COMPENSATION OF OFFICERS.

Thomas J. Saunders, Secretary,	47 days, at \$6 per day,	\$282.00
E. N. Bates, Ass't Secretary,	47 days, at \$6 per day,	282.00
S. C. Trowbridge, S't-at-Arms,	47 days, at \$3 per day,	141.00
F. Thompson, Door-Keeper,	47 days, at \$3 per day,	141.00
J. H. Merritt, Fireman,	47 days, at \$3 per day,	141.00
John Quaintance, Ass't Fireman,	44 days, at \$3 per day,	132.00
James Hawkins, Messenger,	47 days, at \$2.50 per day,	117.50
Geo. Clearman, Ass't Messenger,	47 days, at \$2.50 per day,	117.50
W. Conard, Second do.	47 days, at \$2.50 per day,	117.50
A. J. Kynett, Chaplain,	- - - - -	150.00

Also, the following resolution:

*Resolved*, That a certificate, signed by the President and attested by the Secretary, embracing the above statement, be delivered to the Auditor of State;

Which, having been read, the same were adopted by the Convention.

Mr. Johnston, from the same committee, presented the following statement and resolutions:

## MISCELLANEOUS EXPENSES.

Thomas J. Saunders, for superintending printing of, and distributing Journals of Convention,	\$500.00
Thomas J. Saunders, for enrolling Journal and Constitution,	200.00
Willis Conard, for forwarding letters, after adjournment,	30.00
Mr. Wall, for paste,	4.00
Post Office accounts,	534.38
Wm. Gray, for enrolling Constitution,	35.00
E. Sells, Secretary of State, for books purchased under order of Convention, per bill filed,	740.00
E. Sells, Secretary of State, for distribution of Debates, under resolution of Convention,	400.00
E. Sells, Secretary of State, for distributing Green's Reports, under resolution of the Convention,	\$30.00

W. Blair Lord, for superintending printing and indexing	
Debates,	200.00

The Committee on Expenditures report that the foregoing Miscellaneous Accounts are correct, as directed by order of the Convention, and they ask for the adoption of the following resolutions:

*Resolved*, That the President of the Convention sign, and the Secretary attest, certificates of the correctness of the foregoing accounts, to the Auditor of State.

*Resolved*, That John Teesdale, of the Iowa City Republican, be allowed for the incidental printing of the Convention, the same prices as are allowed for similar work by law to the State Printer, and that a bill of the same be presented to the Auditor of State.

*Resolved*, That John Mahin's account for printing the Journal and the Constitution, per resolution of this Convention, be audited by the State Auditor, and that he be allowed for said work the same prices as are now allowed by law for similar work to the State Printer.

*Resolved*, That John Bittman's account for translating the Constitution into the German language, and printing the same, as per resolution of this Convention, be audited by the State Auditor, and that he be allowed for such work the same prices as are now allowed by law for similar work to the State Printer.

*Resolved*, That Henry P. Scholte's account for translating the Constitution into the Dutch language, and printing and distributing the same, shall be audited by the State Auditor, and that he be allowed for printing the same the same prices as are now allowed by law for similar work to the State Printer.

*Resolved*, That the account of A. P. Luse & Co., for printing the Debates of this Convention, under contract made for such work, [see page 26 of Debates,] be audited by the State Auditor on the certificate of W. Penn Clarke, Chairman of Committee of Printing Debates.

*Resolved*, That the accounts of W. Blair Lord, for reporting the Debates of this Convention, under contract made for such work, [see page 26 of Debates,] be audited by the State Auditor, on the certificate of W. Penn Clarke, Chairman of Committee of Printing Debates.

Which, having been read and received,

Mr. Clarke, of Johnson, moved to strike out of the item for books purchased under order of Convention, the sum of \$400, that being the amount designated, as per bill of Secretary of State, for Vols. 3 and 4 of Green's Reports:

The Previous Question having been called for,

Upon the question, Shall the main question now be put?

It was decided in the affirmative, a majority of the members present voting therefor.

Upon the question of agreeing to the motion of Mr. Clarke, of Johnson, the yeas and nays were demanded, and it was decided in the negative, as follows:

## YEAS.

Messrs. Bunker,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Gillaspy,  
Gower,  
Gray,  
Johnston,

Messrs. Parvin,  
Patterson,  
Skiff,  
Traer,  
Wilson,  
Young,  
Springer, (P.) 14.

## NAYS.

Messrs. Ayers,  
Clarke, of Henry,  
Edwards,  
Ells,  
Emerson,  
Gibson,  
Hall,  
Harris,

Messrs. Hollingsworth,  
Marvin,  
Peters,  
Price,  
Scott,  
Seely,  
Solomon,  
Todhunter,

Warren—17.

The statement and resolutions presented by the Committee on Expenditures were then adopted by the Convention.

Mr. Gray, from the committee thereto appointed, reported back the Constitution with a number of verbal and grammatical amendments;

Which were severally agreed to.

The question now being upon adopting the Constitution as a whole, the yeas and nays were ordered, with the following result:

## YEAS.

Messrs. Bunker,  
Clarke, of Henry,  
Clarke, of Johnson,  
Clark, of Alamakee,  
Edwards,  
Ells,  
Gillaspy,

Messrs. Parvin,  
Patterson,  
Price,  
Scott,  
Seely,  
Skiff,  
Todhunter,

Messrs. Gower,  
Gray,  
Hollingsworth,  
Johnston,  
Marvin,

Messrs. Traer,  
Warren,  
Wilson,  
Winchester,  
Young,

Springer, (Prest.,)—25.

NAYS.

Messrs. Ayers,  
Emerson,  
Gibson,

Messrs. Hall,  
Harris,  
Peters,

Solomon—7.

So the Constitution was adopted, and the same was ordered to be enrolled, signed by the members of the Convention, and attested by the Secretaries, and deposited in the office of the Secretary of State.

Mr. Edwards offered the following :

*Resolved*, That all personal differences which have occurred between members during the sittings of this Convention be sunk in oblivion and forgotten from and after this date ;

Which resolution was adopted unanimously.

Mr. Edwards then offered the following :

*Resolved*, That this Convention do now adjourn *sine die* ;

Which resolution was adopted.

• Before declaring the result of the vote, the President addressed the Convention as follows :

GENTLEMEN OF THE CONVENTION :

I should be dissatisfied with myself if I should neglect to embrace the opportunity afforded by this closing hour of the session to say a word in acknowledgment of the obligations I am under to you. I feel that my relation to you is that of a debtor, and I regret to add, a debtor of a very unfortunate class—an insolvent one. I have been the constant recipient of your kindness here. It began by placing me in the distinguished position of your Presiding Officer. New proofs of it have greeted me with each succeeding day's sitting, in the respect and consideration with which my humble endeavors to serve you have been received, and it has now culminated in a formal expression of your satisfaction with the manner in which the duties of the Chair have been performed.

I know not how to pay the debt I owe you ; but while I confess my inability to discharge it, I beg you to be assured of my cheerful readi-

ness to do the next best thing in my power, which is fully to acknowledge it, and to assure you that no statute of limitation shall ever bar it.

To other evidences of your kindness, the recollection of which I shall not cease to cherish, you have superadded the compliment of presenting, for my acceptance, the chair I have had the honor to occupy. As a testimonial of your appreciation of my endeavors to discharge acceptably its duties, I receive it, and not because I think it deserved from any other consideration. I shall respect and prize it as a memento, not only of your generous bounty, but also of the many pleasant days we have passed together here.

Our task is done. The work we have been sent here to perform is completed. The results of our labors and deliberations we commit to the people and to history. The judgment of both we may abide, I think, with undoubting confidence.

How faithfully you have labored in the great work committed to our charge, the record of our excellent Secretaries and able and faithful Reporters will in part show. For the rest, I can bear cheerful testimony. I am free to say, that for patient investigation, for devotion to duty, for dignity of deportment, for courtesy, propriety and decorum in debate, I am satisfied this Convention will compare favorably with any other similar body. We have read of conflicts on the battle-field, where it was said that each man felt and fought as if on his sole arm hung victory. So it has appeared to me that each member of this Convention has acted as if impressed with the thought that in his hands was the destiny of the State, and that upon his efforts depended much her future prosperity and glory.

The holding of such a Convention as this, for the purpose of reconstructing the fundamental law of the State, must be regarded as an epoch in our history. To have been members of this Convention; to have been associated together for so long a period in official intercourse, entrusted with the exalted duty of preparing a new frame-work of government; to have labored so anxiously together for auspicious results, and so successfully, too, as I believe, is an event which will remain deeply impressed upon our minds. Nor will that impression be lessened by the thought that this favored country of ours is perhaps the only spot on the face of the earth where such an assembly, for such a purpose, could be held; and ours the only people out of the millions who inhabit our planet, among whom the sublime sentiment that all political power is inherent in the people, is a practical reality.

As to the nature and character of the changes you have made in the organic law of the State, I need not here speak. The new Constitution will soon be published in juxtaposition with the old. Your work will speak for itself, and so speaking will commend itself to the approbation of the people.

I may say, in brief, that we have added some new and important guards for the security of popular rights, and for the promotion of the best interests of the social compact. Restrictions existed in the old Constitution, which it is believed have operated to check and retard the energies and prosperity of the State. These we have removed. We have stricken the fetters from the limbs of the infant giant, and given free scope to resources, capable, as we believe, of working out the highest results.

Few States present a more inviting record than Iowa. We may well be proud of her. Among the youngest of the sovereign States of the confederacy, she has already attained a stature of gigantic proportions. And now invigorated by fresh draughts from the fountain of Republicanism, she will move onward to a position of the first magnitude in the galaxy of American States, presenting a bright example of a free, prosperous and happy people.

Pardon me, gentlemen, for detaining you with these poor words of mine. The moment of separation has come. We leave our places here, to return to our respective districts, "to the loved sights and sounds of home, to the congratulations of friends, and the applause of satisfied constituencies."

And now, with my warmest wishes for your happiness, and with our hearts filled with gratitude to HIM whose providential care has been so signally over us, guiding us, protecting us, directing us, I proceed to give effect to the last vote you have taken, by declaring this Convention dissolved.

The Convention then adjourned *sine die*.

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CONSTITUTION OF THE STATE OF NEW YORK

# CONSTITUTION.

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WE, THE PEOPLE OF THE STATE OF IOWA, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the STATE OF IOWA, the boundaries whereof shall be as follows :

Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river; thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the State of Missouri—as established by the Constitution of that State, adopted June 12th, 1820—crosses the said middle of the main channel of the said Des Moines river; thence westwardly along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river to a point opposite the middle of the main channel of the Big Sioux river, according to Nicollett's map; thence up the main channel of the said Big Sioux river, according to the said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east along said parallel of forty-three degrees and thirty minutes, until said parallel intersects the middle of the main channel of the Mississippi river; thence down the middle of the main channel of the said Mississippi river to the place of beginning.

## ARTICLE I.—BILL OF RIGHTS.

SECTION 1. All men are, by nature, free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

SEC. 3. The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates, for building or repairing places of worship, or the maintenance of any minister or ministry.

SEC. 4. No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person, not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

SEC. 5. Any citizen of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall forever be disqualified from holding any office under the Constitution and laws of this State.

SEC. 6. All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any citizen or class of citizens, privileges or immunities, which upon the same terms shall not equally belong to all citizens.

SEC. 7. Every person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libelous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SEC. 9. The right of trial by jury shall remain inviolate; but the General Assembly may authorize trial by a jury of a less number than twelve men in inferior courts: but no person shall be deprived of life, liberty, or property, without due process of law.

SEC. 10. In all criminal prosecutions, and in cases involving the life or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.

SEC. 11. All offenses less than felony, and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a grand jury, except in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger.

SEC. 12. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, where the proof is evident, or the presumption great.

SEC. 13. The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion or invasion, the public safety may require it.

SEC. 14. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

SEC. 15. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 16. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

SEC. 17. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

SEC. 18. Private property shall not be taken for public use without just compensation first being made, or secured to be made, to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.

SEC. 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a military fine in time of peace.

SEC. 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives, and to petition for a redress of grievances.

SEC. 21. No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 22. Foreigners who are, or may hereafter become, residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and descent of property, as native-born citizens.

SEC. 23. There shall be no slavery in this State; nor shall there be involuntary servitude, unless for the punishment of crime.

SEC. 24. No lease or grant of agricultural lands, reserving any rent, or service of any kind, shall be valid for a longer period than twenty years.

SEC. 25. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

## ARTICLE II.—RIGHT OF SUFFRAGE.

SECTION 1. Every white male citizen of the United States of the age of twenty-one years, who shall have been a resident of this State six months next preceding the election, and of the county in which he claims his vote sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such elections, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

SEC. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

SEC. 6. All elections by the people shall be by ballot.

## ARTICLE III.—OF THE DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of Iowa shall be divided into three separate departments: The Legislative, the Executive and the Judicial; and no person charged with the exercise of powers

properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

## LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives ; and the style of every law shall be : "Be it enacted by the General Assembly of the State of Iowa."

SEC. 2. The sessions of the General Assembly shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members ; unless the Governor of the State shall, in the meantime, convene the General Assembly by proclamation.

SEC. 3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the second Tuesday in October, except the years of the Presidential election, when the election shall be on the Tuesday next after the first Monday in November ; and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.

SEC. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, be a free white male citizen of the United States, and shall have been an inhabitant of this State one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the county or district he may have been chosen to represent.

SEC. 5. Senators shall be chosen for the term of four years, at the same time and place as Representatives ; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.

SEC. 6. The number of Senators shall not be less than one-third, nor more than one-half the Representative body ; and shall be so classified by lot, that one class being as nearly one-half as possible, shall be elected every two years. When the number of Senators is increased, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable.

SEC. 7. Each House shall choose its own officers, and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

SEC. 8. A majority of each House shall constitute a quorum to transact business ; but a smaller number may adjourn from day to

day, and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

SEC. 9. Each House shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the General Assembly of a free and independent State.

SEC. 10. Every member of the General Assembly shall have the liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either House, on any question, shall, at the desire of any two members present, be entered on the journals.

SEC. 11. Senators and Representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

SEC. 12. When vacancies occur in either House, the Governor, or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies.

SEC. 13. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 15. Bills may originate in either House, and may be amended, altered, or rejected by the other; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

SEC. 16. Every bill which shall have passed the General Assembly, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the House in which it originated, which shall enter the same upon their journal, and proceed to reconsider it; if, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two-thirds of the members of each House, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, (Sunday excepted), the same shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent such return. Any bill submitted to the Governor for his approval during the last three days of a session of the General Assembly, shall be deposited by him in the office of the Secretary of State within thirty days after the adjournment, with his approval if

approved by him, and with his objections if he disapproves thereof.

SEC. 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

SEC. 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the General Assembly.

SEC. 19. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 20. The Governor, Judges of the Supreme and District Courts, and other State officers, shall be liable to impeachment for any misdemeanor or malfeasance in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under this State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the General Assembly may provide.

SEC. 21. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

SEC. 22. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly: But offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster, whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

SEC. 23. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the General Assembly, or be eligible to hold any office of trust or profit in this State, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

SEC. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

SEC. 25. Each member of the first General Assembly under this Constitution shall receive three dollars per diem while in session; and the further sum of three dollars for every twenty miles traveled in going to and returning from the place where such session is held, by the nearest traveled route; after which they shall receive such com-

compensation as shall be fixed by law ; but no General Assembly shall have the power to increase the compensation of its own members. And when convened in extra session they shall receive the same mileage and per-diem compensation as fixed by law for the regular session, and none other.

SEC. 26. No law of the General Assembly, passed at a regular session, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws passed at a special session shall take effect ninety days after the adjournment of the General Assembly by which they were passed. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State.

SEC. 27. No divorce shall be granted by the General Assembly.

SEC. 28. No lottery shall be authorized by this State ; nor shall the sale of lottery tickets be allowed.

SEC. 29. Every act shall embrace but one subject, and matters properly connected therewith ; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 30. The General Assembly shall not pass local or special laws in the following cases :

For the assessment and collection of taxes for State, county, or road purposes ;

For laying out, opening, and working roads or highways ;

For changing the names of persons ;

For the incorporation of cities and towns ;

For vacating roads, town plats, streets, alleys, or public squares ;

For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State ; and no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

SEC. 31. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into ; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local, or private purposes, unless such appropriation, compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

SEC. 32. Members of the General Assembly shall, before they

enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear, (or affirm, as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator, (or Representative, as the case may be,) according to the best of my ability." And members of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

SEC. 33. The General Assembly shall, in the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy-five, and every ten years thereafter, cause an enumeration to be made of all the white inhabitants of the State.

SEC. 34. The number of Senators shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties according to the number of white inhabitants in each.

SEC. 35. The Senate shall not consist of more than fifty members, nor the House of Representatives of more than one hundred; and they shall be apportioned among the several counties and representative districts of the State according to the number of white inhabitants in each, upon ratios to be fixed by law; but no representative district shall contain more than four organized counties, and each district shall be entitled to at least one Representative. Every county and district which shall have a number of inhabitants equal to one half of the ratio fixed by law, shall be entitled to one Representative; and any one county containing in addition to the ratio fixed by law one half of that number, or more, shall be entitled to one additional Representative. No floating district shall hereafter be formed.

SEC. 36. At its first session under this Constitution, and at every subsequent regular session, the General Assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a Representative.

SEC. 37. When a Congressional, Senatorial, or Representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a Congressional, Senatorial, or Representative district.

SEC. 38. In all elections by the General Assembly, the members thereof shall vote viva-voce; and the votes shall be entered on the journal.

## ARTICLE IV.—EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa.

SEC. 2. The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office two years, from the time of his installation, and until his successor is elected and qualified.

SEC. 3. There shall be a Lieutenant Governor, who shall hold his office two years, and be elected at the same time as the Governor. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor, and Lieutenant Governor, shall be sealed up and transmitted to the seat of government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

SEC. 4. The persons respectively having the highest number of votes for Governor, and Lieutenant Governor, shall be declared duly elected; but in case two or more persons shall have an equal, and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of said persons Governor, or Lieutenant Governor, as the case may be.

SEC. 5. Contested elections for Governor, or Lieutenant Governor, shall be determined by the General Assembly in such manner as may be prescribed by law.

SEC. 6. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have been a citizen of the United States, and a resident of the State two years next preceding the election, and attained the age of thirty years at the time of said election.

SEC. 7. The Governor shall be commander-in-chief of the militia, the army, and navy of this State.

SEC. 8. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 9. He shall take care that the laws are faithfully executed.

SEC. 10. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

SEC. 11. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

SEC. 12. He shall communicate, by message, to the General Assembly, at every regular session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 13. In case of disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next General Assembly.

SEC. 14. No person shall, while holding any office under the authority of the United States, or this State, execute the office of Governor, or Lieutenant Governor, except as hereinafter expressly provided.

SEC. 15. The official term of the Governor, and Lieutenant Governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The Lieutenant Governor, while acting as Governor, shall receive the same pay as provided for Governor; and while presiding in the Senate, shall receive as compensation therefor, the same mileage and double the per-diem pay provided for a Senator, and none other.

SEC. 16. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reasons therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

SEC. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

SEC. 18. The Lieutenant Governor shall be President of the Senate, but shall only vote when the Senate is equally divided; and in case of his absence, or impeachment, or when he shall exercise the

office of Governor, the Senate shall choose a President pro tempore.

SEC. 19. If the Lieutenant Governor, while acting as Governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the President pro tempore of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

SEC. 20. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

SEC. 21. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 22. A Secretary of State, Auditor of State, and Treasurer of State, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified; and perform such duties as may be required by law.

## ARTICLE V.—JUDICIAL DEPARTMENT.

SECTION 1. The judicial power shall be vested in a Supreme Court, District Court, and such other Courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish.

SEC. 2. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum to hold Court.

SEC. 3. The Judges of the Supreme Court shall be elected by the qualified electors of the State, and shall hold their Court at such time and place as the General Assembly may prescribe. The Judges of the Supreme Court so elected, shall be classified so that one Judge shall go out of office every two years; and the Judge holding the shortest term of office under such classification, shall be Chief Justice of the Court during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each Judge of the Supreme Court shall be six years, and until his successor shall have been elected and qualified. The Judges of the Supreme Court shall be ineligible to any other office in the State, during the term for which they shall have been elected.

SEC. 4. The Supreme Court shall have appellate jurisdiction only in cases in chancery, and shall constitute a Court for the correction of errors at law, under such restrictions as the General Assembly may by law prescribe; and shall have power to issue all writs and process

necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the State.

SEC. 5. The District Court shall consist of a single Judge, who shall be elected by the qualified electors of the District in which he resides. The Judge of the District Court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of Judge of the Supreme Court, during the term for which he was elected.

SEC. 6. The District Court shall be a Court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law.

SEC. 7. The Judges of the Supreme and District Courts shall be conservators of the peace throughout the State.

SEC. 8. The style of all process shall be, "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 9. The salary of each Judge of the Supreme Court shall be two thousand dollars per annum; and that of each District Judge one thousand six hundred dollars per annum, until the year eighteen hundred and sixty; after which time they shall severally receive such compensation as the General Assembly may, by law, prescribe; which compensation shall not be increased or diminished during the term for which they shall have been elected.

SEC. 10. The State shall be divided into eleven Judicial Districts; and after the year eighteen hundred and sixty, the General Assembly may re-organize the Judicial Districts, and increase or diminish the number of Districts, or the number of Judges of the said Court, and may increase the number of Judges of the Supreme Court; but such increase or diminution shall not be more than one District, or one Judge of either Court, at any one session; and no re-organization of the Districts, or diminution of the number of Judges, shall have the effect of removing a Judge from office. Such re-organization of the Districts, or any change in the boundaries thereof, or increase or diminution of the number of Judges, shall take place every four years thereafter, if necessary, and at no other time.

SEC. 11. The Judges of the Supreme and District Courts shall be chosen at the general election; and the term of office of each Judge shall commence on the first day of January, next after his election.

SEC. 12. The General Assembly shall provide, by law, for the election of an Attorney General by the people, whose term of office shall be two years, and until his successor shall have been elected and qualified.

SEC. 13. The qualified electors of each Judicial District shall, at the time of the election of District Judge, elect a District Attorney,

who shall be a resident of the District for which he is elected, and who shall hold his office for the term of four years, and until his successor shall have been elected and qualified.

SEC. 14. It shall be the duty of the General Assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the Courts of this State.

## ARTICLE VI.—MILITIA.

SECTION 1. The militia of this State shall be composed of all able-bodied white male citizens, between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States, or of this State; and shall be armed, equipped, and trained, as the General Assembly may provide by law.

SEC. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace: Provided, That such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

SEC. 3. All commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.

## ARTICLE VII.—STATE DEBTS.

SECTION 1. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the State.

SEC. 2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

SEC. 3. All losses to the permanent, School, or University fund of this State, which shall have been occasioned by the defalcation, mismanagement, or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State, in favor of the respective fund, sustaining the loss, upon which not less than six per cent. annual interest shall be paid. The amount

of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

SEC. 4. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

SEC. 5. Except the debts herein before specified in this article, no debt shall be hereafter contracted by, or on behalf of this State, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.

SEC. 6. The Legislature may, at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time forbid the contracting of any further debt, or liability, under such law; but the tax imposed by such law, in proportion to the debt or liability, which may have been contracted in pursuance thereof, shall remain in force and be irrevocable, and be annually collected, until the principal and interest are fully paid.

SEC. 7. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

## ARTICLE VIII.—CORPORATIONS.

SECTION 1. No corporation shall be created by special laws; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

SEC. 2. The property of all corporations for pecuniary profit, shall be subject to taxation, the same as that of individuals.

SEC. 3. The State shall not become a stockholder in any corpora-

tion, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war for the benefit of the State.

SEC. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

SEC. 5. No act of the General Assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto, shall take effect, or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

SEC. 6. Subject to the provisions of the foregoing section, the General Assembly may also provide for the establishment of a State Bank with branches.

SEC. 7. If a State Bank be established, it shall be founded on an actual specie basis, and the branches shall be mutually responsible for each other's liabilities upon all notes, bills and other issues intended for circulation as money.

SEC. 8. If a general Banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills, or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States stocks, or in interest paying stocks of States in good credit and standing, to be rated at ten per cent. below their average value in the city of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of such stocks, to the amount of ten per cent. on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks; and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer, and to whom.

SEC. 9. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all of its liabilities, accruing while he or she remains such stockholder.

SEC. 10. In case of the insolvency of any banking institution, the bill holders shall have a preference over its other creditors.

SEC. 11. The suspension of specie payments by banking institutions shall never be permitted or sanctioned.

SEC. 12. Subject to the provisions of this article, the General Assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two-thirds of each

branch of the General Assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

## ARTICLE IX—EDUCATION AND SCHOOL LANDS.

### *First*—EDUCATION.

SECTION 1. The educational interest of the State, including Common Schools and other educational institutions, shall be under the management of a Board of Education, which shall consist of the Lieutenant Governor, who shall be the presiding officer of the Board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the State.

SEC. 2. No person shall be eligible as a member of said Board who shall not have attained the age of twenty-five years, and shall have been one year a citizen of the State.

SEC. 3. One member of said Board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this Constitution, the Board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years; and one half of the Board shall be chosen every two years thereafter.

SEC. 4. The first session of the Board of Education shall be held at the Seat of Government, on the first Monday of December, after their election; after which the General Assembly may fix the time and place of meeting.

SEC. 5. The session of the Board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the recommendation of two-thirds of the Board, the Governor may order a special session.

SEC. 6. The Board of Education shall appoint a Secretary, who shall be the executive officer of the Board, and perform such duties as may be imposed upon him by the Board, and the laws of the State. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the General Assembly.

SEC. 7. All rules and regulations made by the Board shall be published and distributed to the several counties, townships, and school districts, as may be provided for by the Board, and when so made, published, and distributed, they shall have the force and effect of law.

SEC. 8. The Board of Education shall have full power and authority to legislate and make all needful rules and regulations in relation to Common Schools, and other educational institutions, that

are instituted, to receive aid from the School or University fund of this State; but all acts, rules, and regulations of said Board may be altered, amended, or repealed by the General Assembly; and when so altered, amended, or repealed, they shall not be re-enacted by the Board of Education.

SEC. 9. The Governor of the State, shall be, *ex-officio*, a member of said Board.

SEC. 10. The Board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the General Assembly.

SEC. 11. The State University shall be established at one place without branches at any other place, and the University fund shall be applied to that institution, and no other.

SEC. 12. The Board of Education shall provide for the education of all the youths of the State, through a system of common schools, and such schools shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school, as aforesaid may be deprived of their portion of the school fund.

SEC. 13. The members of the Board of Education shall each receive the same per-diem during the time of their session, and mileage going to and returning therefrom, as members of the General Assembly.

SEC. 14. A majority of the Board shall constitute a quorum for the transaction of business; but no rule, regulation, or law, for the government of common schools or other educational institutions shall pass without the concurrence of a majority of all the members of the Board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the Board shall be, "Be it enacted by the Board of Education of the State of Iowa."

SEC. 15. At any time after the year one thousand eight hundred and sixty-three, the General Assembly shall have power to abolish or re-organize said Board of Education, and provide for the educational interest of the State in any other manner that to them shall seem best and proper.

## *Second*—SCHOOL FUNDS AND SCHOOL LANDS.

SECTION 1. The educational and school funds and lands, shall be under the control and management of the General Assembly of this State.

SEC. 2. The University lands, and the proceeds thereof, and all monies belonging to said fund shall be a permanent fund for the sole use of the State University. The interest arising from the same

shall be annually appropriated for the support and benefit of said University.

SEC. 3. The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which may have been or shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved in the year of our Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as has been or may hereafter be granted by Congress, on the sale of lands in this State, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of Common Schools throughout the State.

SEC. 4. The money which may have been or shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid, or fine collected, among the several school districts of said counties, in proportion to the number of youths subject to enumeration in such districts, to the support of Common Schools, or the establishment of libraries, as the Board of Education shall from time to time provide.

SEC. 5. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved, or granted by the United States, or any person or persons, to this State, for the use of the University, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said university, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the General Assembly as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

SEC. 6. The financial agents of the school funds shall be the same, that by law, receive and control the State and county revenue, for other civil purposes, under such regulations as may be provided by law.

SEC. 7. The money subject to the support and maintenance of Common Schools shall be distributed to the districts in proportion to

the number of youths, between the ages of five and twenty-one years, in such manner as may be provided by the General Assembly.

## ARTICLE X.—AMENDMENTS TO THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner, and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this State.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

SEC. 3. At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the General Assembly may, by law, provide, the question, "Shall there be a Convention to revise the Constitution, and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election for and against such proposition, shall decide in favor of a Convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention.

## ARTICLE XI.—MISCELLANEOUS.

SECTION 1. The jurisdiction of Justices of the Peace shall extend to all civil cases, (except cases in chancery, and cases where the question of title to real estate may arise,) where the amount in controversy does not exceed one hundred dollars; and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

SEC. 2. No new county shall be hereafter created containing less

than four hundred and thirty-two square miles; nor shall the territory of any organized county be reduced below that area; except, the county of Worth, and the counties west of it along the northern boundary of this State, may be organized without additional territory.

SEC. 3. No county, or other political or municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount in the aggregate, exceeding five per centum on the value of the taxable property within such county or corporation—to be ascertained by the last State and county tax lists, previous to the incurring of such indebtedness.

SEC. 4. The boundaries of the State may be enlarged, with the consent of Congress and the General Assembly.

SEC. 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

SEC. 6. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office, shall hold until the next general election, and until their successors are elected and qualified.

SEC. 7. The General Assembly shall not locate any of the public lands which have been, or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant so exempted, shall not exceed three hundred and twenty acres.

SEC. 8. The seat of Government is hereby permanently established, as now fixed by law, at the City of Des Moines, in the county of Polk; and the State University at Iowa City, in the county of Johnson.

## ARTICLE XII.—SCHEDULE.

SECTION 1. This Constitution shall be the supreme law of the State, and any law inconsistent therewith, shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.

SEC. 2. All laws now in force and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

SEC. 3. All indictments, prosecutions, suits, pleas, complaints, process, and other proceedings pendings in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several

courts, in the same manner as now provided by law, and all offenses, misdemeanors and crimes that may have been committed before the taking effect of this Constitution, shall be subject to indictment, trial and punishment, in the same manner as they would have been had not this Constitution been made.

SEC. 4. All fines, penalties, or forfeitures due, or to become due, or accruing to the State, or to any county therein, or to the school fund, shall inure to the State, county, or school fund, in the manner prescribed by law.

SEC. 5. All bonds executed to the State, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

SEC. 6. The first election under this Constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty-seven, at which time the electors of the State shall elect the Governor and Lieutenant Governor. There shall also be elected at such election, the successors of such State Senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the House of Representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the General Assembly which commenced on the first Monday of December one thousand eight hundred and fifty-six.

SEC. 7. The first election for Secretary, Auditor, and Treasurer of State, Attorney General, District Judges, Members of the Board of Education, District Attorneys, members of Congress, and such State officers as shall be elected at the April election, in the year one thousand eight hundred and fifty-seven, (except the Superintendent of Public Instruction,) and such county officers as were elected at the August election, in the year one thousand eight hundred and fifty-six, except Prosecuting Attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight: *Provided*, that the time for which any District Judge or other State or county officer elected at the April election in the year one thousand eight hundred and fifty-eight, shall not extend beyond the time fixed for filling like offices at the October election, in the year one thousand eight hundred and fifty-eight.

SEC. 8. The first election for Judges of the Supreme Court, and such county officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year one thousand eight hundred and fifty-nine.

SEC. 9. The first regular session of the General Assembly shall be held in the year one thousand eight hundred and fifty-eight commencing on the second Monday of January of said year.

SEC. 10. Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty-nine, at which time their successors shall be elected as may be prescribed by law.

SEC. 11. Every person elected by popular vote, by a vote of the General Assembly, or who may hold office by Executive appointment, which office is continued by this Constitution, and every person who shall be so selected or appointed, to any such office, before the taking effect of this Constitution, (except as in this Constitution otherwise provided,) shall continue in office until the term for which such person has been or may be elected or appointed shall expire; but no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office, in this Constitution prescribed.

SEC. 12. The General Assembly, at the first session under this Constitution shall district the State into eleven Judicial Districts, for District Court purposes; and shall also provide for the apportionment of the members of the General Assembly in accordance with the provisions of this Constitution.

SEC. 13. This Constitution shall be submitted to the electors of the State at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this State. The ballots at such election shall be written or printed as follows: Those in favor of the Constitution "New Constitution—Yes." Those against the Constitution, "New Constitution—No." The election shall be conducted in the same manner as the general elections of the State, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for the canvass of State officers. And if it shall appear that a majority of all the votes cast at such election for and against this Constitution are in favor of the same, the Governor shall immediately issue his proclamation stating that fact, and such Constitution shall be the Constitution of the State of Iowa, and shall take effect from and after the publication of said proclamation.

SEC. 14. At the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white," from the article on the "Right of Suffrage," shall be separately submitted to the electors of this State for adoption or rejection, in manner following, viz: A separate ballot may be given by every person having a right to vote at said election to be deposited in a separate box. And those given for the adoption of such proposition shall have the words "Shall the word 'white' be stricken out of the article on the 'Right of Suf-

frage?' Yes." And those given against the proposition shall have the words "Shall the word 'white' be stricken out of the article on the 'Right of Suffrage?' No." And if at said election the number of ballots cast in favor of said proposition, shall be equal to a majority of those cast for and against this Constitution, then said word "white" shall be stricken from said article and be no part thereof.

SEC. 15. Until otherwise directed by law, the county of Mills shall be in and a part of the Sixth Judicial District of this State.

Done in Convention at Iowa City, this fifth day of March, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States of America, the eighty-first.

In testimony whereof, we have hereunto subscribed our names :

TIMOTHY DAY,  
S. G. WINCHESTER,  
DAVID BUNKER,  
D. P. PALMER,  
GEO. W. ELLS,  
J. C. HALL,  
JOHN H. PETERS,  
WM. H. WARREN,  
H. W. GRAY,  
ROBT. GOWER,  
H. D. GIBSON,  
THOMAS SEELY,  
A. H. MARVIN,  
J. H. EMERSON,  
R. L. B. CLARKE,  
JAMES A. YOUNG,  
D. H. SOLOMON,

M. W. ROBINSON,  
LEWIS TODHUNTER,  
JOHN EDWARDS,  
J. C. TRAER,  
JAMES F. WILSON,  
AMOS HARRIS,  
JNO. T. CLARK,  
S. AYERS,  
HARVEY J. SKIFF,  
J. A. PARVIN,  
W. PENN. CLARK,  
JEREMIAH HOLLINGSWORTH,  
WM. PATTERSON,  
D. W. PRICE,  
ALPHEUS SCOTT,  
GEORGE GILLASPY,  
EDWARD JOHNSTONE,

FRANCIS SPRINGER, *President.*

ATTEST :

TH. J. SAUNDERS, *Secretary.*

E. N. BATES, *Assistant Secretary.*















